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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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- Issue 16 - April 14, 2000: Data Through March 31, 2000
- Issue 29 - July 14, 2000: Data Through June 30, 2000
- Issue 42 - October 13, 2000: Data Through September 30, 2000
- Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

TITLE 32: ENERGY
 CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
 SUBCHAPTER b: RADIATION PROTECTION

PART 315
 STANDARDS FOR PROTECTION AGAINST LASER RADIATION

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315.20	Scope
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AUTHORITY: Implementing and authorized by the Laser System Act of 1997 [420 ILCS 56].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

Note: In this Part, unless the context clearly states otherwise, superscript numbers or letters are denoted by parentheses, subscripts are denoted by brackets, μ m is used to designate micrometers, λ is used in place of the Greek symbol Lambda, and α is used in place of the Greek symbol Alpha.

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Section 315.10 Purpose

This Part establishes standards for protection against laser radiation and is issued pursuant to the Laser System Act of 1997 [420 ILCS 56].

Section 315.20 Scope

- Except as otherwise specifically exempted, this Part applies to any location or facility where laser systems are produced, stored, disposed of, or used for any purpose [420 ILCS 56/15].
- This Part is not intended to restrict or limit in any way the use of laser radiation, of any type, that may be intentionally administered to an individual for diagnostic, therapeutic, or medical or dental research purposes by or under the direction of a practitioner licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], the Podiatric Medical Practice Act of 1987 [225 ILCS 100] or the non-human use of lasers by veterinarians by virtue of the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115].

Section 315.30 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: In this Part, the Department has incorporated by reference Title 21 of the Code of Federal Regulations, 21 CFR 1040, 2000 edition, published April 1, 2000; the American National Standard for Safe Use of Lasers, ANSI Z136.1-2000, effective June 28, 2000; the American National Standard for the Safe Use of Optical Fiber Communication Systems Utilizing Laser Diode and LED Sources, ANSI Z136.2, effective August 12, 1997; and the American National Standard for Safe Use of Lasers in Health Care Facilities, ANSI Z136.3, effective February 7, 1996.

Section 315.40 Definitions

As used in this Part, the following definitions apply:

"Act" means the Laser System Act of 1997 [420 ILCS 56].

"ANSI" means the American National Standards Institute, 11 West 42nd Street, New York, New York 10036.

"Aperture" means any opening in a protective housing through which

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laser radiation can pass.

"Attenuation" means the decrease in the radiant power of any optical beam as it passes through an absorbing and/or scattering medium.

"Certified laser system" means that the system is certified by a manufacturer pursuant to the requirements of 21 CFR 1010.2.

"Class 1 laser" means any laser that meets the criteria of a Class 1 laser, as defined in 21 CFR 1040.

"Class 2 laser" means any laser that meets the criteria of a Class 2 laser, as defined in 21 CFR 1040.

"Class 3 laser" means any laser that meets the criteria of a Class 3 laser, as defined in 21 CFR 1040. Class 3 lasers are separately designated as Class 3a or Class 3b.

"Class 4 laser" means any laser that meets the criteria of a Class 4 laser, as defined in 21 CFR 1040.

"Controlled area" means any area where the occupancy and access of those within is subject to control and supervision by the registrant for the purpose of protection from laser radiation hazards.

"Department" means Department of Nuclear Safety.

"Director" means the Director of the Department of Nuclear Safety.

"Embedded laser" means an enclosed laser with an assigned class number higher than the inherent capability of the laser system in which it is incorporated, where the system's lower classification (Class 1, 2, 3a or 3b) is appropriate due to the engineering features limiting accessible emission.

"Enclosed laser" means a laser that is contained within a protective housing of itself or of the laser or laser system in which it is incorporated.

"Energy" means the capacity for doing work. Energy content is commonly used to characterize the output from pulsed lasers and is generally expressed in joules (J).

"Facility" means a laser installation.

"FDA" means the Food and Drug Administration of the United States Department of Health and Human Services.

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"Incident" means an event or occurrence that results in a real or suspected intentional or accidental exposure to laser radiation that caused or has the potential to cause biological damage.

"Irradiance" means the radiant power incident on an element of a surface divided by the area of that element, expressed in watts per square centimeter ($W\ cm^{-2}$).

"Joule" (J) means a unit of energy: 1 joule = 1 watt second.

"Laser" means any device that can produce or amplify electromagnetic radiation at wavelengths greater than 180 nanometers but less than 1 millimeter, primarily by the process of controlled stimulated emission.

"Laser installation" means a location or facility where laser systems are produced, stored, disposed of or used for any purpose [420 ILCS 56/15].

"Laser radiation" means an electromagnetic radiation emitted from a laser system and includes all reflected radiation, any secondary radiation or other forms of energy resulting from the primary laser beam [420 ILCS 56/15].

"Laser safety officer" means any individual, qualified by training and experience in the evaluation and control of laser hazards, who is designated by the registrant to have the authority and responsibility to establish and administer the laser radiation protection program for a particular laser installation.

"Laser system" means a device, machine, equipment or other apparatus that applies a source of energy to a gas, liquid, crystal, or other solid substances or combination thereof in a manner that electromagnetic radiations of a relatively uniform wave length are amplified and emitted in a cohesive beam capable of transmitting the energy developed in a manner that may be harmful to living tissues, including but not limited to electromagnetic waves in the range of visible, infrared or ultraviolet light. Such systems in schools, colleges, occupational schools, and State colleges and other State institutions are also included in the definition of "laser systems". [420 ILCS 56/15]

"Maintenance" means the performance of those adjustments or procedures by the user to keep equipment in its intended operating condition. Maintenance does not include operation or service as defined in this Section.

"Maximum permissible exposure" (MPE) means that level of laser

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radiation to which persons may be exposed without adverse biological change in the eye or skin.

"Medical laser" means a laser system that is a medical device, as defined in 21 USC 321(h), and is manufactured, designed or intended for laser irradiation of any part of the human body for the purpose of diagnosis, surgery or therapy (see 21 CFR 1040.10(b)).

"Operation" means the performance of tasks required for the equipment to perform its intended functions. It does not include maintenance or service tasks as defined in this Section.

"Operator" is an individual, group of individuals, partnership, firm, corporation, or association conducting the business or activities carried on within a laser installation [420 ILCS 56/15].

"Optical density" (OD) means a logarithmic expression of the optical attenuation afforded by a material.

$$OD = \log_{10} (\text{incident power}) / (\text{transmitted power})$$

"Optical fiber communications system" (OFCS) means a system consisting of one or more laser transmitters, each of which is coupled to an individual optical fiber and that is used for the transmission of information, e.g., voice or data.

"Person" means any individual, corporation, limited liability company, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof and any legal successor, representative, agent or agency of the foregoing.

"Protective housing" means those portions of a laser system that are designed to prevent human access to laser radiation above the applicable MPE level.

"Pulse duration" means the time increment measured between the half-peak power points at the leading and trailing edges of a pulse.

"Radiant energy" means energy emitted, transferred or received in the form of laser radiation, expressed in joules (J).

"Radiant exposure" means the radiant energy incident on an element of a surface divided by the area of that element, expressed in joules per square centimeter (J cm⁻²).

"Radiant power" means power emitted, transferred or received in the form of laser radiation expressed in watts (W). Radiant power also

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means output power.

"Registrant" means any person who registers a laser installation with the Department pursuant to this Part.

"Scanning laser" means a laser having a time-varying direction, origin or pattern of propagation with respect to a stationary frame of reference.

"Service" means the performance of adjustments, repairs or procedures required to return equipment to its intended state. These adjustments and procedures usually require specialized training and/or tools. Service does not include operation or maintenance as defined in this Section.

"Watt" (W) means the unit of radiant power, 1 watt = 1 joule per second (J sec⁻¹).

Section 315.50 Exemptions

The following are exempt from the requirements of this Part:

- a) All certified Class 1, Class 2, and Class 3a lasers or laser systems, provided that the laser is maintained as a certified Class 1, Class 2, or Class 3a laser system throughout its useful life.
- b) Embedded Class 3b or Class 4 lasers, where the laser system's lower classification is appropriate due to engineering features limiting accessible emission.
- c) A laser system being transported on railroad cars, motor vehicles, aircraft, or vessels in conformity with rules adopted by an agency having jurisdiction over safety during transportation, or laser systems that have been installed on aircraft, munitions, or other equipment that is subject to the regulations of, and approved by an appropriate agency of, the federal government [420 ILCS 56/25(2)].
- d) Laser systems that are inoperable due to the absence or failure of components necessary for operation. Laser systems that are not in operation due to disconnection from an electrical supply shall be considered operable.

Section 315.60 Registration

- a) Installation Registration

- 1) Any operator of a laser installation shall register the laser installation with the Department. The operator shall register the installation before the installation is placed in operation on a form prescribed by the Department, which shall include, but not be limited to:
 - A) The operator's name;
 - B) The location of the laser installation;

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- C) The classification number and room location of laser systems possessed; and
- D) The name of the individual designated as the laser safety officer.

AGENCY NOTE: Prior to designation of the laser safety officer, the registrant should carefully review the requirements of Section 315.90 of this Part.

- 2) Installation registration, as specified in subsection (a) of this Section, shall be required only at the time the laser installation is placed in operation.
- 3) Laser systems that are located in a single building or in a group of buildings that are contiguous to one another, and used by the same operator, shall be treated as a single laser installation unless requested otherwise in writing by the operator and approved by the Department.
- b) Laser System Registration
 - 1) Any operator of a laser installation where laser systems are located shall register the systems annually on a form prescribed by the Department.
 - 2) The form shall include, but not be limited to, the manufacturer, model serial number, output power, wavelength and class of each laser system.
 - 3) Any operator of a laser installation that possesses multiple laser systems of the same manufacturer and model may register such laser systems on a single form, provided that the operator includes a listing of serial numbers for each laser system.

Section 315.70 Amendments and Changes in Status

- a) Operators of laser installations that have been registered pursuant to Section 315.60 of this Part shall notify the Department within 30 days after the installation of new, used, relocated or reactivated laser systems.
- b) If any operator discontinues using a laser system, the operator shall notify the Department within 30 days after the discontinuance. The notification shall include the date of discontinuance, including the name, address and telephone number of the person who received the laser and the disposition of the laser system.
- c) Within 30 days after changing the operator of a laser installation, the new operator shall notify the Department in writing or by telephone or other electronic means.

Section 315.80 Registration Requirements for Out-of-State Laser Facilities

- a) Whenever any Class 3b or Class 4 laser system is to be brought into this State, for any temporary use, the person proposing to bring the laser system into this State shall:
 - 1) Register the installation and laser systems in accordance with

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Section 315.60 of this Part.

- 2) Give written notice to the Department at least 10 working days before the laser system is to be used in this State. The notice shall:
 - A) Include the nature, duration and scope of use;
 - B) Include the exact locations where the laser system is to be used; and
 - C) Comply with all applicable requirements of this Part.
- b) A pre-operational inspection by the Department of the out-of-state laser system may be required within 24 hours prior to the laser system being used in this State.

Section 315.90 Laser Safety Officer Qualifications, Duties and Responsibilities

- a) Every operator of a laser installation shall ensure that the designated laser safety officer has qualifications that include training, experience and familiarity in the following areas:
 - 1) Fundamentals of laser operation;
 - 2) Familiarity with the type of laser equipment utilized at the facility;
 - 3) Biological effects of laser radiation on the eye and skin;
 - 4) Laser and laser system classification;
 - 5) Control measures;
 - 6) Nonradiation hazards of lasers;
 - 7) Medical surveillance practices (if applicable);
 - 8) Laser terminology; and
 - 9) Maximum Permissible Exposure (MPE) levels for eye and skin for all lasers and for all conditions of use of laser systems at the facility.
- b) Every operator of a laser installation shall ensure that the following specific duties are carried out by the laser safety officer:
 - 1) Establish and implement a program of laser radiation safety for effective compliance with the requirements of this Part.
 - 2) Ensure that instructions concerning hazards and safety practices are provided to individuals who may be exposed to laser radiation and to individuals who operate lasers.
 - 3) Permit, on behalf of the registrant, operation of lasers only by individuals who have:
 - A) Been trained in the safe use of the laser in accordance with Section 315.100 of this Part; and
 - B) Received copies of and instruction in the registrant's operating and emergency procedures.

AGENCY NOTE: In facilities where more than one practitioner or operator may use lasers, a laser safety committee should be formed to oversee laser activity, establish use criteria and approve operating policies and procedures.

- 4) Ensure that all laser systems in operation meet the requirements

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of this Part, and that prescribed control measures are in effect. The laser safety officer may recommend and approve substitute or alternative control measures when the primary control measures are not feasible or practical. Accordingly, if alternative control measures are instituted, those personnel directly affected shall be provided appropriate training.

- 5) Periodically audit the functionality of control measures in use.

Section 315.100 General Operator Requirements

a) Administrative and Procedural Controls

- 1) The registrant shall provide personnel operating lasers with operating and safety procedures. These procedures shall include restrictions required for the safe operation of each laser and shall include the topics listed in the laser safety program of subsection (a)(2) of this Section.

AGENCY NOTE: Sample standard operating procedures for the use of laser systems are contained in Appendix A of this Part. The Department recommends these procedures be modified and adopted for each registrant's specific use of lasers.

- 2) The registrant shall provide for initial and annual in-service training in laser safety for individuals using laser systems to ensure their awareness of the registrant's laser safety practices and policies. The in-service training shall include the following topics:

- A) Operating and emergency procedures for the lasers;
- B) Use of laser protective devices, including selection and use of protective eyewear;
- C) Clear warnings and precautions to avoid possible exposure to laser radiation in excess of the MPE; and
- D) Requirements for safe operation of lasers as described in this Part.

- 3) Personnel operating lasers shall be instructed in and able to demonstrate competence with the registrant's operating and safety procedures.

- 4) Alignment of laser optical systems (e.g., mirrors, lenses and beam defectors) shall be performed in a manner that assures that no one is exposed to laser radiation above the MPE.

- 5) A controlled area shall be established when exposure to laser radiation in excess of the MPE limit is possible. The controlled area shall meet the following requirements:

- A) Be posted as required by Section 315.150 of this Part.
- B) Access shall be only by permission of the laser safety officer or a trained designated representative.

- 6) Unenclosed Beam Paths

- A) An evaluation of the expected beam path and the potential hazards from reflective surfaces that may be encountered shall be conducted before operating the laser. Incidental

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reflective surfaces shall be excluded from the beam path at all points where the laser radiation exceeds the MPE.

- B) If applicable, the stability of the laser platform shall be evaluated to determine the constraints that shall be placed upon the beam traverse and the extent of the range of control.

- C) No laser shall be operated or made ready for operation until the area along all points of the beam path where the laser radiation will exceed the MPE is clear of individuals, unless the individuals are wearing appropriate protective devices.

b) Requirements for Safe Operation

1) Operator Supervision

- A) The laser system shall be operated at all times under the direct supervision or control of an experienced, trained operator who shall maintain visual surveillance of conditions for safe use and terminate laser emission in the event of malfunction or any other condition of unsafe use.

- B) Unattended use of the laser system shall be permitted only when the laser safety officer has implemented appropriate control measures that provide adequate protection and laser safety training to those who may enter the laser controlled area during times of unattended use.

2) Maximum Permissible Exposure (MPE)

- A) No individual shall be exposed to levels of laser radiation higher than the MPE, as described in Tables A and B of this Part.

- B) In those cases where no MPE is known for particular wavelengths and pulse durations, exposure to laser radiation shall be prohibited.

- C) Measurements and calculations performed to determine MPE limits shall be made in a manner consistent with the criteria contained in ANSI Z136.1-2000.

- 3) The minimum laser radiant energy or laser power level required for the application shall be used.

- 4) All service procedures shall be performed by qualified personnel who are trained in laser radiation protection.

- 5) Protective eyewear, when specified by the laser safety officer, shall be worn by all individuals with access to Class 3b and Class 4 levels of laser radiation. The protective eyewear devices shall meet the following requirements:

- A) Provide a comfortable and appropriate fit all around the area of the eyes sufficient to protect the eyes from laser radiation.

- B) Be in proper condition to ensure the optical filters and holder provide the required optical density or greater at the desired wavelengths, and retain all protective properties during use of the device.

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- C) Be suitable for the specific wavelength of the laser and be of optical density adequate for the energy of the laser.
- D) Have the optical density or densities and associated wavelengths permanently labeled on the filters or otherwise permanently identified.
- E) Be examined by the registrant's laser safety officer, or designee, at intervals not to exceed 6 months, to ensure the reliability of the protective filters and integrity of the protective filter frames.
- F) Eyewear not meeting the requirements of this subsection (b)(5) shall not be utilized as protective eyewear.
- 6) When there is a possibility of exposure to laser radiation that exceeds the MPE limits for skin as specified in Table B of this Part, the registrant shall require the appropriate use of protective gloves, clothing and shields.
- 7) Laser products certified by a manufacturer to be compliant with the requirements of 21 CFR 1040 applicable at the date of manufacture shall be maintained in compliance with the requirements. Certified laser products that have been modified shall comply with this Part.

c) Engineering Controls

- 1) Each laser product shall have a protective housing that prevents, during operation, human access to laser radiation that exceeds the limits of a Class 1 laser (see 21 CFR 1040.10, Table I), wherever and whenever human access is not necessary in order for the laser system to perform its intended function.
- 2) Safety Interlocks
 - A) A safety interlock, which ensures that laser radiation is not accessible above MPE limits, shall be provided for any portion of the protective housing that, by design, can be removed or displaced without the use of tools during normal operation or maintenance.
 - B) Adjustment during operation, service, testing or maintenance of a laser containing interlocks shall not cause the interlocks to become inoperative or the laser radiation to exceed MPE limits outside the protective housing except where a controlled area, as specified in subsection (a)(5) of this Section, is established.
 - C) For pulsed lasers, interlocks shall prevent firing of the laser.
 - D) For continuous wave lasers, the interlocks shall turn off the power supply or interrupt the beam.
 - E) An interlock shall not allow access to laser radiation in excess of MPE limits when the interlock is closed.
 - F) Multiple safety interlocks, or a means to preclude removal or displacement of the interlocked portion of the protective housing upon failure, shall be provided if failure of a single interlock would allow human access to levels of Class

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- 3b or Class 4 laser radiation.
- 3) Viewing Optics and Windows
 - A) All viewing ports, viewing optics or display screens included as an integral part of an enclosed laser or laser system shall incorporate suitable means to attenuate the laser radiation transmitted through the port to less than the MPE during maintenance or operation of the laser.
 - B) When optical systems such as lenses, telescopes and microscopes are used, the laser safety officer shall determine the potential hazard and specify administrative procedures and the use of controls such as interlocks or filters.
- 4) Warning Systems
 - A) Each laser system shall provide visual or aural indication during the emission of accessible laser radiation.
 - B) Any visual indicator shall be clearly visible through protective eyewear designed specifically for the wavelengths of the emitted laser radiation.
 - C) Visual indicators shall be positioned so that viewing does not result in exposure to laser radiation in excess of the MPE.
 - D) An indication shall be provided prior to emission of the radiation to allow appropriate action to avoid exposure.
- 5) Additional Requirements for Indoor Class 4 Laser Controlled Areas
 - A) Latches, interlocks or other appropriate means shall be used to restrict access to controlled areas.
 - B) Measures shall be designed to allow both rapid exit by the laser personnel at all times and entrance to the controlled area in an emergency condition.
 - C) For emergency conditions, a control-disconnect switch or equivalent device (panic button) shall be available for deactivating the laser or closing the shutter.
 - D) During tests requiring continuous operation, the laser safety officer or a trained designated representative shall be permitted to momentarily override the safety interlocks to allow access to other authorized personnel if it is clearly evident that:
 - i) There is no optical radiation hazard at the point of entry; and
 - ii) The necessary protective devices are being worn by the entering personnel.
 - E) Optical paths (e.g., windows) from an indoor facility shall be controlled in such a manner as to reduce the transmitted values of the laser radiation to levels at or below the MPE. When the laser beam must exit the indoor controlled area (as in the case of exterior atmospheric beam paths), the operator shall be responsible for ensuring that the beam path is limited to controlled air space or controlled ground

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space when the beam irradiance or radiant exposure is above the appropriate MPE.

Section 315.110 Additional Requirements for Infrared Laser Systems

- a) The beam from an infrared laser (wavelength greater than 710 nanometers) shall be terminated in fire-resistant material where necessary.
- b) Periodic inspection of fire-resistant material shall be made to assure that the material has not degraded with use. Degraded material that could create a fire or reflection hazard shall be replaced prior to further operation of the laser.

Section 315.120 Additional Requirements for Optical Fiber Communications Systems

- a) Laser communication systems that employ optical cables shall be considered enclosed systems with the optical cable forming part of the protective housing.
- b) Disconnection of a connector resulting in access to radiation in excess of the applicable MPE shall take place only in a controlled area.
 - 1) The use of a tool shall be required for the disconnection of a connector for service and maintenance purposes when the connector is not within a protective housing.
 - 2) All connectors shall bear the appropriate label specified in Section 315.150 of this Part.

Section 315.130 Additional Requirements for Medical Laser Applications

- a) Medical lasers used for human irradiation shall be calibrated in accordance with the manufacturer's specified calibration procedure at intervals not to exceed those specified by the manufacturer. Calibration records shall be maintained at the facility for inspection by the Department.
- b) Each medical laser shall incorporate a means for measurement of the level of laser radiation intended for human irradiation, with an error in measurement of no greater than plus or minus 20 percent, when calibrated in accordance with the laser manufacturer's calibration procedure.
- c) Any footswitch that is used to control patient exposure to laser radiation shall have a guard mechanism to prevent inadvertent exposure.
- d) The operator shall ensure that medical lasers shall not be used for human irradiation unless all applicable requirements of this Part are met.

Section 315.140 Additional Requirements for Entertainment Laser Light Show

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- a) The operator shall notify the Department in writing or facsimile, at least 10 working days in advance of the proposed laser light show, and shall include the following information:
 - 1) Name, address and telephone number of:
 - A) Laser registrant;
 - B) Laser safety officer;
 - C) Individual in charge of the laser light show;
 - 2) The location, time and date of the show;
 - 3) Documentation that a variance has been obtained in accordance with 21 CFR 1040.11;
 - 4) For outdoor performances, a copy of the notification to the Federal Aviation Administration;
 - 5) Manufacturer, class, wavelength and output power of the laser systems to be used; and
 - 6) Sketches showing the location of the laser systems, operators, performers, laser beam paths, viewing screens, walls, mirror balls and other reflective or diffusive surfaces that may be struck by the laser beam.
- b) The operator shall also supply additional information as may be required by the Department for the evaluation of the safety of the proposed laser light show.
- c) Requirements for Safe Operations
 - 1) Laser radiation emissions outside the spectral range of 400 to 700 nanometers shall not exceed the limits of a Class 1 laser.
 - 2) Levels of laser radiation where the audience is located, and where operators, performers and employees are located if the laser radiation is intended to be viewed by them, shall not exceed the limits of a Class 1 laser.
 - 3) Operators, performers and employees shall be able to perform their functions without being exposed to laser radiation exceeding the limits of a Class 2 laser when the laser radiation is not intended to be viewed by them.
 - 4) Areas where levels of laser radiation exceed the limits of a Class 2 laser shall be identified by posting of warning signs and through use of barriers or guards to prevent individuals from entering these areas.
 - 5) Scanning lasers shall not, as a result of scan failure or any other failure causing a change in either angular velocity or amplitude, permit audience exposure to laser radiation in excess of the limits of a Class 1 laser.
 - 6) Where a mirror ball is used with a scanning laser, the conditions of subsections (c)(1) and (c)(2) of this Section shall be met with the mirror ball stationary or during any failure mode resulting in a change in rotational speed of the mirror ball.
 - 7) Laser light shows shall be, at all times, under the direct and personal supervision of the laser operator, except:
 - A) In cases where the maximum laser output power level is less than 5 milliwatts (all spectral lines);

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- B) When the laser beam path is located at least 6 meters above any surface upon which an individual in the audience is permitted to stand; or
- C) When the laser beam path is located at least 2.5 meters in lateral separation from any position where an individual in the audience is permitted during the performance.
- 8) Laser radiation levels shall not exceed the limits of a Class 2 laser at any point less than 3 meters above any surface upon which any individual in the audience is permitted to stand, and 2.5 meters in lateral separation from any position where an individual in the audience is permitted, unless physical barriers are present that prevent human access to these levels.
- 9) All safety devices and procedures necessary to comply with this Part shall be functionally tested and evaluated after setup and prior to the laser light show to ensure compliance.
- 10) The laser system, when not in use, shall be secured against unauthorized operation or tampering.
- 11) Laser alignment procedures shall be performed with the laser output power reduced to the lowest practicable level, and protective eyewear shall be worn where necessary to prevent exposure to laser radiation levels exceeding the MPE. Unless specifically authorized by the laser safety officer, only individuals required to perform the alignment shall be present during these procedures.
- 12) The operator shall ensure that no laser light show is conducted except as specifically authorized in a variance issued in accordance with 21 CFR 1040.11 and applicable requirements of this Part.

Section 315.150 Caution Signs, Labels and Postings

- a) Except as otherwise authorized by the Department, signs and labels prescribed by this Section shall use the design and colors specified in Illustration A or B of this Part.
- b) Controlled areas shall be conspicuously posted with appropriate sign or signs as specified in subsection (c) of this Section.
- c) Labeling and Posting Laser Systems and Laser Facilities
- 1) Class 3b lasers shall have a label and facilities shall be posted with signs with the warning specified in Illustration A of this Part and including the following wording:

(Position 1 on the logotype)

"LASER RADIATION - AVOID DIRECT EXPOSURE TO BEAM"

(Position 3 on the logotype)

"CLASS 3b LASER"

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- 2) Class 4 lasers shall have a label and facilities shall be posted with signs with the warning specified in Illustration B of this Part and including the following wording:
- (Position 1 on the logotype)
- "LASER RADIATION - AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION"
- (Position 3 on the logotype)
- "CLASS 4 LASER"
- 3) Each laser, except lasers used in the practice of medicine, shall have labels in close proximity to each aperture through which is emitted accessible laser radiation in excess of the MPE with the following wording as applicable:
- A) "AVOID EXPOSURE - Laser radiation is emitted from this aperture", if the radiation emitted through such aperture is laser radiation.
- B) "AVOID EXPOSURE - Hazardous electromagnetic radiation is emitted from this aperture", if the radiation emitted through such aperture is electromagnetic radiation.
- C) "AVOID EXPOSURE - Hazardous x-rays are emitted from this aperture", if the radiation emitted through such aperture is x-ray radiation.
- 4) Each label specified in this subsection (c) shall state, at position 2 on the required warning logotype, the maximum output of laser radiation, the pulse duration when appropriate, and the laser medium or emitted wavelengths.
- 5) Each noninterlocked or defeatably interlocked portion of the protective housing or enclosure that is designed to be displaced or removed during normal operation, maintenance or servicing and that would permit human access to laser radiation shall have labels as follows:
- A) For Class 3b laser radiation, the wording: "DANGER - Laser radiation when open, AVOID DIRECT EXPOSURE TO BEAM".
- B) For Class 4 laser radiation, the wording: "DANGER - Laser radiation when open, AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION".
- C) For protective housings or enclosures that provide a defeatable interlock, the phrase "and interlock defeated" shall be inserted after the word "open" on the labels specified in subsections (c)(5)(A) and (B) of this Section.
- 6) The word "invisible" shall precede the word "laser" on labels and signs required by this Part for wavelengths of laser radiation that are outside of the range of 400 to 710 nanometers.
- 7) The words "visible and invisible" shall precede the word "laser"

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on labels and signs required by this Part for wavelengths of laser radiation that are both within and outside the range of 400 to 710 nanometers. For laser products emitting only visible wavelengths, the phrase "laser light" may be used in lieu of "laser radiation".

- 8) All labels placed on lasers or signs posted in laser facilities shall be positioned so as to make unnecessary, during reading, human exposure to laser radiation in excess of the MPE.

- 9) Labels and signs required by this Part shall be clearly visible, legible and permanently attached to the laser or facility.

AGENCY NOTE: With respect to laser systems only, the labeling requirements found in 21 CFR 1040 may be used in lieu of subsection (c) of this Section.

Section 315.160 Notifications and Reports

- a) Each registrant shall notify the Department immediately of any incident involving exposure to laser radiation that has or may have caused accidental injury to an individual in the course of use, handling, operation, manufacture or discharge of a laser system [420 ILCS 56/40], including:
 - 1) An exposure to an individual of greater than 100 times the MPE;
 - 2) An exposure to an individual that involves the partial or total loss of sight in either eye; or
 - 3) An exposure to an individual that involves perforation of the skin or other serious injury exclusive of eye injury.

- b) Each registrant shall notify the Department within 24 hours of any incident involving exposure to laser radiation that has or may have caused:
 - 1) An exposure to an individual of greater than 5 times the MPE; or
 - 2) An exposure to an individual that involves second or third degree burns to the skin.

- c) Each registrant shall make a report in writing within 30 days to the Department of any incident for which notification is required by subsection (a) or (b) of this Section.

- d) Each report filed with the Department pursuant to this Section shall include the full name of each individual exposed to laser radiation, including estimates of each individual's exposure, levels of laser radiation involved, the cause of the exposure, a description of any injuries, and corrective steps taken or planned to be taken to assure against a recurrence.

- e) When a registrant is required pursuant to this Section to report to the Department any exposure of an individual to laser radiation, the registrant shall also provide to the individual a report on that exposure data. The report to the individual shall be transmitted at a time not later than the date of transmittal to the Department.

Section 315.170 Records/Information

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- a) Each registrant shall maintain, for a period of 5 years, records that shall be kept current and available for inspection by the Department, showing:
 - 1) A listing of all individuals who have been authorized by the registrant to operate lasers.
 - 2) The results of all inspections of protective eyewear required by Section 315.100 of this Part.
 - 3) The results of all instrument calibrations required by Section 315.130 of this Part.
 - 4) The reports of incidents as described under Section 315.160 of this Part.

- b) Each operator shall make records maintained pursuant to this Part available to the Department for review and copying.

Section 315.180 Inspections and Investigations

- a) The Department is authorized to enter upon, inspect, and investigate the premises and operations of all laser systems of this State, whether or not the systems are required to be registered by the Act [420 ILCS 56/35].

- b) Each operator of a laser installation shall afford the Department the opportunity to enter upon, inspect and investigate the laser installation at all reasonable times.

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Section 315.APPENDIX A Sample Standard Operating Procedures

Standard Operating Procedures (SOPs) are governed by institutional policy and are developed, modified and maintained in accordance with the needs of individual facilities. Information relative to safety incorporated into these SOPs is gathered from a wide range of resources, including, but not limited to, the laser system manufacturer or distributor. This Appendix A contains examples of SOPs for issues associated with the use of laser systems. It is recognized that the safety needs of installations with multiple laser systems may be different from those facilities with a single laser system. The samples that follow cannot cover all situations or procedures; they are only intended as models that should be used to accommodate specific requirements. Typically, the Laser Safety Officer shall have the responsibility to see that SOPs are followed.

It is reasonable to expect that the manufacturer of the laser system shall supply safety information that can serve as the cornerstone for the generation of the SOPs. It is incumbent upon the operator to demand the information from the manufacturer. The availability of safety related information is facilitated by the FDA requirement that the manufacturer of laser products provide the user with adequate instructions for the safe operation and maintenance of all laser products.

SAMPLE 1: Controlled Access to the Laser Room

Purpose: To define the area in which control measures shall be applied and to describe the control measures necessary in order to maintain a safe environment for use of the laser system.

Policy: Class 3b and Class 4 lasers shall be operated in areas where traffic flow and compliance with all safety procedures can be monitored.

Procedure:

- 1) Appropriate warning signs shall be posted at eye level on all doors that access a room where a laser is to be operated. These signs shall state all required information and shall be removed when the laser is not in use.
- 2) Safety goggles labeled with the appropriate wavelength and optical density shall be available at the entry where each door sign is posted.
- 3) Glass windows shall be covered with shades or filters of appropriate optical density whenever a fiberoptic laser system is operational.
- 4) All safety procedures shall be followed during service, maintenance and demonstrations.

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- 5) No one shall be allowed into a laser room unless properly authorized and protected.

- 6) The laser shall not be activated when it is necessary to open the door, if the controlled area extends to the doorway.

- 7) Laser keys shall be kept in a secured area and signed out only by those authorized to do so.

SAMPLE 2: Ocular Safety

Purpose: To prevent ocular injuries to personnel working with Class 3b and Class 4 lasers.

Policy: Within the controlled area, all personnel shall adhere to appropriate eye protection procedures during all laser applications.

NOTE: Under some conditions, the controlled area may include the entire room in which the laser procedure is performed. Under those conditions, the ocular safety procedures listed in this Sample 2 apply to the entire room. In health care facilities, ocular safety procedures shall also apply to the patient receiving laser treatment.

All personnel involved in maintenance and demonstrations of laser systems shall follow all ocular safety procedures whenever a laser is in operation in the facility.

Procedure:

- 1) Appropriate eyewear shall be worn by everyone in the controlled area while the laser is in operation. Appropriate eyewear consists of glasses or goggles of sufficient optical density to prevent ocular damage at the laser wavelength in use. Exception to this is the operator looking through an attached microscope with a lens that has the appropriate optical density for the laser in use.
- 2) Prior to use, the operator and ancillary personnel shall be responsible for selecting and examining eyewear for comfort, proper fit, and presence of labels describing both wavelength and proper optical density.
- 3) If eyewear is damaged, it shall not be worn and a report shall be made to the laser safety officer.
- 4) Contact lenses are not acceptable as protective eyewear. Prescription lens wearers shall use appropriate laser safety eyewear.
- 5) All goggles shall have side shields to protect from peripheral injury

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and impact.

- 6) Any articulated arm that is not shuttered shall be capped when not connected to the hand piece or the operating microscope.
- 7) The laser system shall be placed in standby mode when delivery optics are moved away from the target.
- 8) In health care facilities, patients shall be fitted with appropriately labeled eyewear, or have their eyes covered with wet cloth pads or towels. Metal or dry materials shall be placed on the patient's face or eyes only when indicated.

SAMPLE 3: Handling of Laser Fiber Delivery Systems in Health Care Facilities

Purpose: To promote safe and proper handling of laser fiber delivery systems and to limit the potential for fiber breakage, damage and reduced efficiency during clinical laser procedures.

Policy: Personnel handling laser fibers shall assure compliance with all safety procedures and shall consider the fiber an extension of the laser system, governed by applicable standards and regulations.

Procedure:

- 1) Appropriate eye safety filters shall be used with endo/microscopes.
- 2) Laser room windows shall be covered completely with appropriate filters, if necessary.
- 3) Fibers and associated equipment shall be positioned to allow for safe traffic patterns in the room.
- 4) The fiber shall be examined for breaks or damage of the distal tip, the proximal connector and the catheter sheath. Fiber shall be calibrated in accordance with manufacturer's directions. If deficiencies or damage are noted, another fiber shall be obtained.
- 5) Do not use clamps or other instruments to secure fiber in the operative site.
- 6) Always use coaxial cooling that is appropriate to the procedure. Never use gas to purge a fiber in the intrauterine cavity.
- 7) Never operate the laser unless the aiming beam (if used) and the tip of the fiber beyond the end of the endoscope are both visible.
- 8) Monitor the fiber for distortion of the beam, decreased power

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transmission and accumulation of debris on the tip.

- 9) Never reuse a disposable fiber without manufacturer's directions.
- 10) Always put the laser in standby when not aimed at a target.

SAMPLE 4: Non-Beam Hazards in Health Care Facilities

Purpose: To recognize and effectively deal with a variety of potential non-beam hazards that may be present during laser procedures.

Policy: Non-beam hazards are the purview of safety and industrial hygiene personnel, who will effect the appropriate hazard evaluation and control.

Procedure:**I. Fire**

- 1) Never use alcohol in the operative field. Fibers may be rinsed in hydrogen peroxide or saline intraoperatively.
- 2) Never place a hot fiber directly on paper drapes. Wait until tip is cool before contact is made with flammable material.
- 3) Use fire-retardant drapes, damp packs or pads. Fill pelvic cavity with Ringer's, saline or other appropriate solution during surgery.
- 4) Put laser system in standby mode when procedure is interrupted or terminated.
- 5) Avoid high levels of oxygen in the operative field.
- 6) Avoid laser beam exposure of the sheaths of flexible fiber endoscopes, since many of the sheaths are flammable.

II. Plume Management

- 1) Remove laser generated airborne contaminants from the laser target area to reduce the transmission of potentially hazardous particles.
- 2) Position smoke evacuator in the operating room whenever a plume is anticipated.
- 3) Check operation of the plume management system prior to the beginning of a procedure.

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- 4) Check the plume filter monitor and, if needed, install a clean filter.
- 5) In-line filters with minimum 0.3 μ m (micrometers) filtration shall be placed between wall suction and the fluid cannister for:
 - a) Suction line not connected to evacuator
 - b) Procedures producing minimal plume
 - c) Failure of evacuator before or during operation
- 6) Distal collection port shall be no more than 2 cm from impact site when practical.
- 7) All tubing, connectors, adaptors and wands will be changed between patients and disposed of according to biohazard procedures.

III. Electrical Shock

- 1) During service or maintenance, precautions shall be taken against electrical shock that may be fatal.
- 2) Medical lasers shall be installed and operated in conformity with the National Electrical Code.

SAMPLE 5: Work Practices for Optical Fiber Communications Systems (OFCS)

Purpose: To recognize and effectively deal with a variety of potential hazards that may be present when working on an OFCS.

Policy: Engineering controls shall not take the place of good work practices. Good work practices are essential to operating, servicing and maintaining OFCS, especially with higher power systems that utilize Class 3b and Class 4 lasers.

Procedure: The following presents some basic guidelines when working on any OFCS.

- 1) Trained Personnel. Only authorized, trained personnel shall be permitted to install or perform service on OFCS containing Class 3b or Class 4 lasers.
- 2) Unterminated Fibers
 - a) Do not view the end of a fiber with unprotected eye. Fiber should only be viewed with an indirect image converter or with a

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- filtered optical instrument or optical density (OD) sufficient to reduce the exposure to levels below the appropriate MPE.
- b) Always cover the ends of unterminated fibers with a splice protector, tape or end caps.
 - 3) Splicing. Splicing on ribbon cables, fixed array cables or OFCS containing Class 3b or Class 4 lasers shall be de-energized or viewing systems incorporating personal protection shall be employed.
 - 4) Installation and Testing. The laser source shall be first to be disconnected and last to be connected when installing and/or testing an OFCS.
 - 5) Modifications. No modifications shall be made to the OFCS or associated equipment without management or supervision authorizations. Such modifications may alter the service group classification of the OFCS.
 - 6) Labels. Any damaged or missing optical safety labels shall be reported immediately to the supervisor.
 - 7) Other Hazards
 - a) Use of protective guards or shields shall be used during splicing and cleaving operation to prevent direct injury from small lengths or particles of fiber. Proper disposal of fiber pieces avoids subsequent embedding in clothing or skin.
 - b) Optical photocuring may present a UV or light source hazard. Protective filter lenses of the appropriate optical density shall be worn if viewing of the light source is probable.

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Section 315.TABLE A MPE for Ocular Exposure (Intrabeam Viewing)

Ultraviolet

Wavelength (Mu m)	Exposure Duration, t(s)	MPE (J cm(-2))	MPE (W cm(-2))
0.180 to 0.302	10(-9) to 3 x 10(4)	3 x 10(-3)	
0.303	10(-9) to 3 x 10(4)	4 x 10(-3)	
0.304	10(-9) to 3 x 10(4)	6 x 10(-3)	
0.305	10(-9) to 3 x 10(4)	10 x 10(-3)	
0.306	10(-9) to 3 x 10(4)	16 x 10(-3)	
0.307	10(-9) to 3 x 10(4)	25 x 10(-3)	
0.308	10(-9) to 3 x 10(4)	40 x 10(-3)	
0.309	10(-9) to 3 x 10(4)	63 x 10(-3)	
0.310	10(-9) to 3 x 10(4)	0.1	
0.311	10(-9) to 3 x 10(4)	0.16	
0.312	10(-9) to 3 x 10(4)	0.25	
0.313	10(-9) to 3 x 10(4)	0.40	
0.314	10(-9) to 3 x 10(4)	0.63	
0.315 to 0.400	10(-9) to 10	0.56 t(1/4)	
0.315 to 0.400	10 x 3 x 10(4)	1.0	

NOTE: To calculate MPE, use the J cm(-2) value shown or 0.56 t(1/4), whichever is lower.

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Visible and Near Infrared

Wavelength (Mu m)	Exposure Duration, t(s)	MPE (J cm(-2))	MPE (W cm(-2))
0.400 to 0.700	10(-9) to 18 x 10(-6)	0.5 x 10(-6)	
0.400 to 0.700	18 x 10(-6) to 10	1.8 t(3/4) x 10(-3)	
0.400 to 0.550	10 to 10(4)	10 x 10(-3)	
0.550 to 0.700	10 to T[1]	1.8 t(3/4) x 10(-3)	
0.550 to 0.700	T[1] to 10(4)	10C[B] to 10(-3)	
0.400 to 0.700	10(4) to 3 x 10(4)	0.5C[A] x 10(-6)	C[B] x 10(-6)
0.700 to 1.050	10(-9) to 18 x 10(-6)	1.8C[A] t(3/4) x 10(-3)	
0.700 to 1.050	18 x 10(-6) to 10(3)	10(-3)	
0.700 to 1.050	10(3) to 3 x 10(4)	320C[A] x 10(-6)	
1.050 to 1.400	10(-9) to 50 x 10(-6)	5C[c] x 10(-6)	
1.050 to 1.400	50 x 10(-6) to 10(3)	9.0C[c] t(3/4) x 10(-3)	
1.050 to 1.400	10(3) to 3 x 10(4)	1.6C[c] x 10(-3)	

NOTES: 1. See Section 315.Tables D & E for limiting apertures (see ANSI Z136.1 pg. 44).

2. For multiple pulses, apply correction factor C[p] given in Section 315.Table C.

3. For information on correction factors T[1], C[B], C[A], C[p] and C[c], see Section 315.Table C.

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Far Infrared

Wavelength (μ m)	Exposure Duration, t(s)	MPE (J cm ⁻²)	MPE (W cm ⁻²)
1.400 to 1.500	10(-9) to 10(-3)	0.1	
1.400 to 1.500	10(-3) to 10	0.56 t(1/4)	0.1
1.400 to 1.500	10 to 3 x 10(4)		
1.500 to 1.800	10(-9) to 10	1.0	0.1
1.500 to 1.800	10 to 3 x 10(4)		
1.800 to 2.600	10(-9) to 10(-3)	0.1	
1.800 to 2.600	10(-3) to 10	0.56 t(1/4)	0.1
1.800 to 2.600	10 to 3 x 10(4)		
2.600 to 10(3)	10(-9) to 10(-7)	10 x 10(-3)	
2.600 to 10(3)	10(-7) to 10	0.56 t(1/4)	
2.600 to 10(3)	10 to 3 x 10(4)		0.1

NOTES: 1. See Section 315.Tables D & E for limiting apertures (see ANSI Z136.1 pg. 44).

2. For multiple pulses, apply correction factor C{p} given in Section 315.Table C.

GENERAL

NOTES: 1. The MPE for diffuse reflections at wavelengths between 0.400 and 1.400 μ m is obtained by multiplying the corresponding MPEs above by C{E} (see Section 315.Table C for correction factors and T{1}).

2. For repeated (pulsed) exposures, see ANSI Z136.1.

3. For purposes of this Section 315.Table A, the following abbreviations or symbols are used:

μ m = micrometers
t(s) = time in seconds
J = joules
W = watts
cm = centimeters

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Section 315.TABLE B MPE for Skin Exposure

Ultraviolet

Wavelength (μ m)	Exposure Duration, t(s)	MPE (J cm ⁻²)	MPE (W cm ⁻²)
0.180 to 0.302	10(-9) to 3 x 10(4)	3 x 10(-3)	
0.303	10(-9) to 3 x 10(4)	4 x 10(-3)	
0.304	10(-9) to 3 x 10(4)	6 x 10(-3)	
0.305	10(-9) to 3 x 10(4)	1.0 x 10(-2)	
0.306	10(-9) to 3 x 10(4)	1.6 x 10(-2)	
0.307	10(-9) to 3 x 10(4)	2.5 x 10(-2)	
0.308	10(-9) to 3 x 10(4)	4.0 x 10(-2)	
0.309	10(-9) to 3 x 10(4)	6.3 x 10(-2)	
0.310	10(-9) to 3 x 10(4)	1.0 x 10(-1)	
0.311	10(-9) to 3 x 10(4)	1.6 x 10(-1)	
0.312	10(-9) to 3 x 10(4)	2.5 x 10(-1)	
0.313	10(-9) to 3 x 10(4)	4.0 x 10(-1)	
0.314	10(-9) to 3 x 10(4)	6.3 x 10(-1)	
0.315 to 0.400	10(-9) to 10	0.56 t(1/4)	
0.315 to 0.400	10 x 10(3)	1	
0.315 to 0.400	10(3) to 3 x 10(4)		1 x 10(-3)

NOTES: 1. To calculate MPE, use the J cm⁻² value shown or 0.56 t(1/4), whichever is lower.

2. 3.5 mm limiting aperture (see Section 315.Table D).

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Visible and Near Infrared

Wavelength (μ m)	Exposure Duration, t(s)	(J cm ⁻²)	MPE (W cm ⁻²)
0.400 to 1.400	10(-9) to 10(-7) 10(-7) to 10 10 to 3 x 10(4)	2C[A] x 10(-2) 1.1C[A] t(1/4)	0.2C[A]

NOTE: 3.5 mm limiting aperture (see Section 315. Table D).

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Far Infrared

Wavelength (μ m)	Exposure Duration, t(s)	(J cm ⁻²)	MPE (W cm ⁻²)
1.400 to 10(3)	10(-9) to 10(-7) 10(-7) to 10 >10	10(-2) 0.56 t(1/4)	0.1

NOTE: See Section 315. Table D for limiting apertures.

GENERAL NOTE: 1. For purposes of this Table, the following abbreviations are used:

μ m = micrometers
t(s) = time in seconds
J = joules
W = watts
cm = centimeters
mm = millimeter

Correction Factor	Wavelength (Mu m)
T[l] = 10 x 10(20)(Lambda-0.550)	0.550 to 0.700
C[B] = 1.0	0.400 to 0.500
C[B] = 10(15)(Lambda-0.550)	0.550 to 0.700
C[A] = 1.0	0.400 to 0.700
C[A] = 10(2)(Lambda-0.700)	0.700 to 1.050
C[A] = 5.0	1.050 to 1.400
C[p] = n(-14)	0.400 to 1000
C[E] = 1.0 Alpha < Alpha[min]	0.400 to 1.400
C[E] = Alpha/Alpha[min]	0.400 to 1.400
Where: Alpha[min] < Alpha < Alpha[max]	
C[E] = Alpha(2)/(Alpha[max] x Alpha[min])	0.400 to 1.400
Where: Alpha > Alpha[max]	
C[c] = 1.0	1.050 to 1.150
C[c] = 10(18)(Lambda-1.150)	1.150 to 1.200
C[c] = 8	1.200 to 1.400

NOTES: 1. For pulse repetition frequencies below 55 kHz (0.4 to 1.05 Mu m) and below 20 kHz (1.05 to 1.4 Mu m) see ANSI Z136.1.

2. For wavelengths between 0.400 and 1.400 Mu m:

Alpha[min] = 1.5 mrad for t < 0.7 s
Alpha[min] = 2 t(3/4) mrad for 0.7 s < t < 10 s
Alpha[min] = 11 mrad for t < 10 s
Alpha[max] = 100 mrad

3. For purposes of this Section 315.Table C, the following abbreviations or symbols are used:

Lambda = wavelength in Mu m
n = number of pulses
Alpha = angular subtense (mrad)
t = time
t(s) = time in seconds
s = seconds
Mu m = micrometers
Min = minimum
Max = maximum
mrad = milliradians

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Section 315.TABLE D Limiting Apertures for Hazards Evaluation and AEL Determination

Spectral Region (μ m)	Duration (s)	Aperture Diameter Eye	Aperture Diameter Skin
0.180 to 0.400	10(-9) to 0.25	1.0	3.5
	0.25 to 3 x 10(4)	3.5	3.5
0.400 to 1.400	10(-9) to 3 x 10(4)	7.0	3.5
1.400 to 10(2)	10(-9) to 0.3	1.0	3.5
	0.3 to 10	1.5 t(3/8)	3.5
	10 to 3 x 10(4)	3.5	3.5
10(2) to 10(3)	10(-9) to 3 x 10(4)	11.0	11.0

NOTES: 1. Under normal conditions these exposure durations would not be used for hazard evaluation (see ANSI Z136.1 (Table 8)).

2. For purposes of this Section 315.Table D, the following abbreviations or symbols are used:

μ m = micrometers
s = seconds
mm = millimeters
t(s) = time in seconds

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Section 315.TABLE E Measurement Apertures for Classification

Spectral Region (μ m)	Duration (s)	Aperture Diameter (mm)
0.180 to 0.302	10(-9) to 0.25	1.0
	0.25 to 3 x 10(4)	3.5
0.302 to 2.8	10(-9) to 3 x 10(4)	50.0
2.8 to 10(2)	10(-9) to 0.3	1.0
	0.3 to 10	1.5 t(3/8)
	10 to 3 x 10(4)	3.5
10(2) to 10(3)	10(-9) to 3 x 10(4)	11.0

NOTES:

1. These apertures are used for the measurement of optical power or energy for purposes of laser classification.

2. When the laser output is intended to be viewed with optics (excluding ordinary eyeglasses) or the laser safety officer determines that there is reasonable probability of accidental viewing with optics, a 50 mm aperture is used if the following conditions are met:

A) Viewing with optics presents a more severe hazard than unaided viewing.

B) The viewing time is sufficient to constitute a hazard.

3. Under normal conditions these exposure durations would not be used for classification (see ANSI Z136.1 (Table 9)).

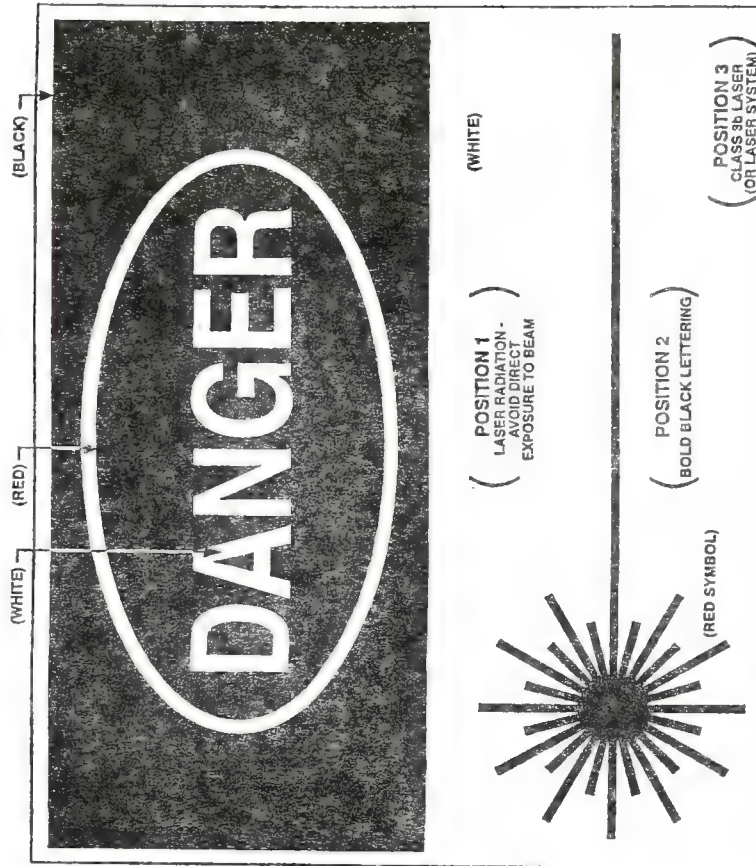
4. For purposes of this Section 315.Table E, the following abbreviations or symbols are used:

μ m = micrometers
s = seconds
mm = millimeters
t(s) = time in seconds

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

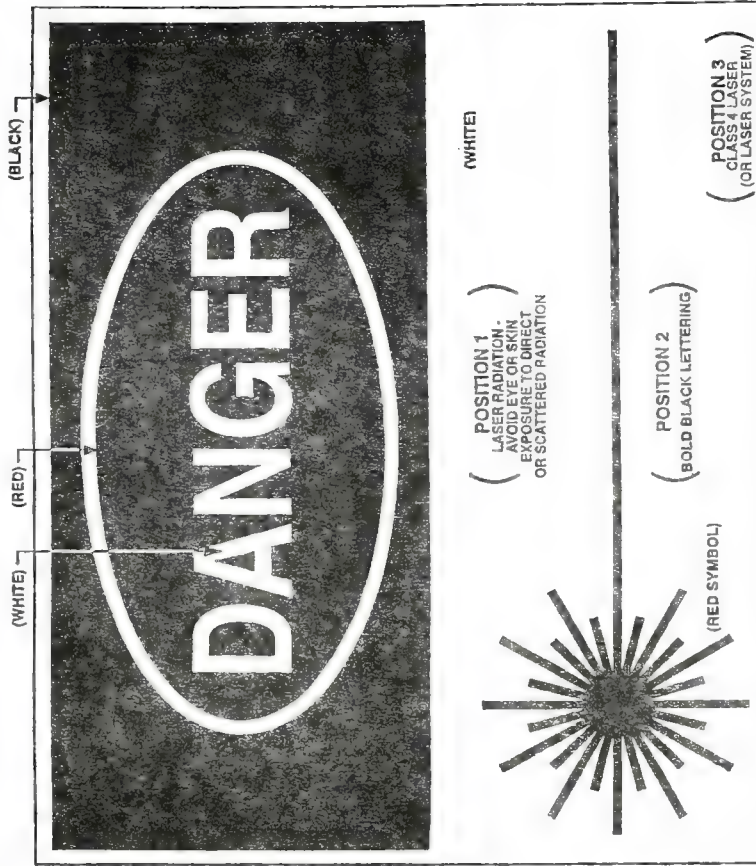
Section 315. ILLUSTRATION A Sample Warning Sign for Class 3b Laser Facilities



DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Section 315. ILLUSTRATION B Sample Warning Sign for Class 4 Laser Facilities



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hospital Reimbursement Changes

- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Numbers: Proposed Action:
152.150 Amendment
152.200 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 91-0712

- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's rules concerning hospital services and ambulatory surgical services are intended to implement certain budgetary constraints in response to recent related budgetary increases. These cost containment measures are intended to allow the maintenance of essential medical services while controlling costs and respecting appropriation limitations.

The Department's plan for controlling medical expenditures is directed to hospital inpatient and outpatient services and Ambulatory Surgical Treatment Centers (ASTCs). Under these proposed amendments, payments shall not exceed charges to the Department. These amendments are not applicable to government owned or operated hospitals, children's hospitals, disproportionate share payments, payments for outlier costs or payments for Medicaid High Volume Adjustments.

As a result of these payment limitations affecting hospital inpatient and outpatient services, as well as ASTCs, the Department anticipates that annual expenditures will decrease by approximately \$33.2 million.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The Department requests the submission of written comments within 30 days after publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments at the Illinois Department of Human Services' local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospitals and ASTCs, but not including government owned or operated hospitals or children's hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: These rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments is identical to the text of the
Emergency Amendments published in this issue of the *Illinois Register* on page
220 :

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol
and/or Other Drugs

- 2) Code Citation: 77 Ill. Adm. Code 510

3) Section Numbers: Proposed Action:

510.20 Repealer
510.40 Repealer
510.60 Repealer
510.70 Repealer
510.80 Repealer
510.90 Repealer
510.100 Repealer
510.110 Repealer
510.120 Repealer
510.130 Repealer
APPENDIX A Repealer
APPENDIX B Repealer
APPENDIX C Repealer

- 4) Statutory Authority: Section 11-501.2 of the Illinois Vehicle Code [625
ILCS 5/11-501.2]

- 5) A Complete Description of the Subjects and Issues Involved: The
Department of Public Health is repealing rules implementing the breath,
blood and urine testing program authorized by the Illinois Vehicle Code.
The program is being transferred to the Department of State Police on
January 1, 2001, in accordance with Public Act 91-828. The rules include
requirements for licensing of testing instrument operators; requirements
for operation of the instruments; a listing of approved instruments; and
requirements for approval of laboratories and laboratory technicians. The
Department anticipates adoption of this rulemaking approximately six to
nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes

- 7) Does this Rulemaking Contain an Automatic Repeal Date? No

- 8) Does this Rulemaking Contain Any Incorporations By Reference? No

- 9) Are there any other Proposed Amendments Pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create
or expand a State Mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this
Rulemaking: Interested persons may present their comments concerning this
rulemaking within 45 days after this issue of the *Illinois Register* to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Paul Thompson
 Division of Legal Services
 Illinois Department of Public Health
 535 West Jefferson St., 5th Floor
 Springfield, Illinois 62761
 217/782-2043
 e-mail: rules@idph.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: This rulemaking will not affect small businesses small municipalities, or not-for-profit corporations.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
 None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agenda because: the need for the rulemaking was not anticipated at that time.

The full text of the Proposed Repealer is identical to the text of the Emergency Repealer that appears on page 225 of this issue of the Illinois Register.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:
 130.110 Amendment
- 4) Statutory Authority: 35 ILCS 120
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking clarifies that when a person purchases an item of tangible personal property with the intent of reselling the item to a purchaser for use or consumption, that person engages in conduct equivalent to holding himself out as a retailer and the subsequent sale is a taxable sale.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
130.330	Amendment	24 Ill. Reg. 7617, 05/26/00
130.605	Amendment	24 Ill. Reg. 13617, 09/08/00
130.325	Amendment	24 Ill. Reg. 14393, 09/29/00
130.901	Amendment	24 Ill. Reg. 16573, 11/13/00
130.101	Amendment	24 Ill. Reg. 16986, 11/17/00
130.540	Amendment	24 Ill. Reg. 16986, 11/17/00
130.350	Amendment	24 Ill. Reg. 17948, 12/15/00

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
 Illinois Department of Revenue
 Legal Services Office
 101 West Jefferson
 Springfield, Illinois 62794
 (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers

B) Reporting, bookkeeping or other procedures required for compliance: Minimal

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
130.101
130.105
130.110
130.111
130.115
130.120

Character and Rate of Tax
Responsibility of Trustees, Receivers, Executors or Administrators
Occasional Sales
Sale of Used Motor Vehicles by Leasing or Rental Business
Habitual Sales
Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section
130.201
130.205
130.210
130.215
130.220
130.225

The Test of a Sale at Retail
Sales for Transfer Incident to Service
Sales of Tangible Personal Property to Purchasers for Resale
Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
Sales to Lessors of Tangible Personal Property
Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305
130.310
130.315
130.320
130.321
130.325
130.330
130.331
130.332
130.335
130.340
130.345
130.350
130.351

Farm Machinery and Equipment
Food, Drugs, Medicines and Medical Appliances
Fuel Sold for Use in Vessels on Rivers Bordering Illinois
Gasohol
Fuel Used by Air Common Carriers in International Flights
Graphic Arts Machinery and Equipment Exemption
Manufacturing Machinery and Equipment
Manufacturer's Purchase Credit
Automatic Vending Machines that Dispense Hot Food or Beverages
Pollution Control Facilities
Rolling Stock
Oil Field Exploration, Drilling and Production Equipment
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section
130.401 Meaning of Gross Receipts
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410 Cost of Doing Business Not Deductible
130.415 Transportation and Delivery Charges
130.420 Finance or Interest Charges--Penalties--Discounts
130.425 Traded-In Property
130.430 Deposit or Prepayment on Purchase Price
130.435 State and Local Taxes Other Than Retailers' Occupation Tax
130.440 Penalties
130.445 Federal Taxes
130.450 Installation, Alteration and Special Service Charges
130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section
130.501 Monthly Tax Returns--When Due--Contents
130.502 Quarterly Tax Returns
130.505 Returns and How to Prepare
130.510 Annual Tax Returns
130.515 First Return
130.520 Final Returns When Business is Discontinued
130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances
130.540 Returns on a Transaction by Transaction Basis
130.545 Registrants Must File a Return for Every Return Period
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555 Vending Machine Information Returns
130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
130.601 Preliminary Comments
130.605 Sales of Property Originating in Illinois
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
130.701 General Information on Obtaining a Certificate of Registration

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710 Procedure When Security Must be Forfeited
130.715 Sub-Certificates of Registration
130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725 Display
130.730 Replacement of Certificate
130.735 Certificate Not Transferable
130.740 Certificate Required For Mobile Vending Units
130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
130.801 General Requirements
130.805 What Records Constitute Minimum Requirement
130.810 Records Required to Support Deductions
130.815 Preservation and Retention of Records
130.820 Preservation of Books During Pendency of Assessment Proceedings
130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
130.901 Civil Penalties
130.905 Interest
130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
130.1201 General Information
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Leased Department
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
130.1401 Seller's Responsibility to Determine the Character of the Sale at
the Time of the Sale
130.1405 Seller's Responsibility to Obtain Certificates of Resale and
Requirements for Certificates of Resale
130.1410 Requirements for Certificates of Resale (Repealed)
130.1415 Resale Number--When Required and How Obtained
130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
130.1501 Claims for Credit--Limitations--Procedure
130.1505 Disposition of Credit Memoranda by Holders Thereof
130.1510 Refunds
130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section
130.1601 When Returns are Required After a Business is Discontinued
130.1605 When Returns are Not Required After Discontinuation of a Business
130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
130.1801 When Powers of Attorney May be Given
130.1805 Filing of Power of Attorney With Department
130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section

130.1901 Addition Agents to Plating Baths
130.1905 Agricultural Producers
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage
Stamps and Like Articles
130.1915 Auctioneers and Agents
130.1920 Barbers and Beauty Shop Operators
130.1925 Blacksmiths
130.1930 Chiropodists, Osteopaths and Chiropractors
130.1935 Computer Software
130.1940 Construction Contractors and Real Estate Developers
130.1945 Co-operative Associations
130.1950 Dentists
130.1951 Enterprise Zones
130.1952 Sales of Building Materials to a High Impact Business
130.1955 Farm Chemicals
130.1960 Finance Companies and Other Lending Agencies -- Installment
Contracts -- Bad Debts
130.1965 Florists and Nurserymen
130.1970 Hatcheries
130.1971 Sellers of Pets and the Like
130.1975 Operators of Games of Chance and Their Suppliers
130.1980 Optometrists and Opticians
130.1985 Pawnbrokers
130.1990 Peddlers, Hawkers and Itinerant Vendors
130.1995 Personalizing Tangible Personal Property
130.2000 Persons Engaged in the Printing, Graphic Arts or Related
Occupations, and Their Suppliers
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar
Enterprises Operated As Businesses, and Suppliers of Such Persons
130.2006 Sales by Teacher-Sponsored Student Organizations
130.2007 Exemption Identification Numbers
130.2008 Sales by Nonprofit Service Enterprises
130.2009 Personal Property Purchased Through Certain Fundraising Events for
the Benefit of Certain Schools
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to
Others
130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt
Hospitals
130.2012 Sales to Persons Who Lease Tangible Personal Property to
Governmental Bodies
130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020 Physicians and Surgeons
130.2025 Picture-Framers
130.2030 Public Amusement Places
130.2035 Registered Pharmacists and Druggists
130.2040 Retailers of Clothing
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Shows, Flea Markets and the Like
 Sales and Gifts By Employers to Employees
 130.2055 Sales by Governmental Bodies
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 130.2065 Sales of Automobiles for Use in Demonstration (Repealed)
 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
 130.2090 Sales to Railroad Companies
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 130.2100 Sellers of Feeds and Breeding Livestock
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
 130.2110 Sellers of Seeds and Fertilizer
 130.2115 Sellers of Machinery, Tools and Special Order Items
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
 130.2125 Trading Stamps and Discount Coupons
 130.2130 Undertakers and Funeral Directors
 130.2135 Vending Machines
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
 130.2145 Vendors of Meals
 130.2150 Vendors of Memorial Stones and Monuments
 130.2155 Vendors of Signs
 130.2156 Vendors of Steam
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
 130.2165 Veterinarians
 130.2170 Warehousemen

ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. _____, effective _____.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: NATURE OF TAX

Section 130.110 Occasional Sales

- a) Since the Act does not impose a tax upon persons who are not engaged in the business of selling tangible personal property, persons who make isolated or occasional sales thereof do not incur tax liability. For example, if a retailer sells tangible personal property, such as machinery or other capital assets, which he has used in his business and no longer needs, and which he does not otherwise engage in selling, he does not incur Retailers' Occupation Tax liability when selling such tangible personal property even if the sales are at retail and even if he may be required to make a considerable number of such sales in order to dispose of such tangible personal property, because such sales are isolated or occasional and do not constitute a business of selling tangible personal property at retail.
- c) However, construction contractors and real estate developers are not considered to be isolated or occasional sellers of tangible personal property to the extent noted in Section 130.1940(c) and (d) of this Part.
- d) Where persons engage primarily in the business of selling tangible personal property other than for use or consumption (such as the business of selling tangible personal property primarily to purchasers for resale), the mere fact that their sales for use or consumption may comprise but a small fraction of their total sales does not make the retail sales isolated or occasional. The vendor is liable for tax measured by his gross receipts from such retail sales.
- e) Regarding sale/leaseback situations, typically customer A purchases equipment from retailer B, and then sells it to lessor C who leases the equipment back to customer A. Customer A has paid tax when purchasing the equipment in the first transaction under a taxable retail sale and the second transaction where customer A sells the equipment to lessor C is a nontaxable occasional sale so long as A is not otherwise in the business of selling like-kind property.
- f) When a person purchases an item of tangible personal property with the intent of reselling the item to a purchaser for use or consumption, that person engages in conduct equivalent to holding himself out as a retailer. In such a situation, the initial purchase is a sale for resale and the subsequent sale is a taxable sale at retail subject to Retailers' Occupation Tax, not an occasional sale. For example, if a hospital possessing an exemption identification number issued by the Department purchases a computer system with the intent of reselling the computer system to a group of doctors, the hospital may not resell the computer system to the group of doctors without incurring Retailers' Occupation Tax. In this instance, the hospital is holding itself out as a retailer and its sale of the computer system to the group of doctors is taxable. The hospital should provide a Certificate of Resale to its supplier on the purchase of the computer

DEPARTMENT OF REVENUE

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system. It is improper for the hospital to use its exemption identification number to purchase the computer system in these circumstances.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois

2) Code Citation: 80 Ill. Adm. Code 1540

3) Section Numbers: Proposed Action:
1540.350 New Section

4) Statutory Authority: 40 ILCS 5/14-135.03

5) A Complete Description of the Subjects and Issues Involved: Effective July 1, 1999, Public Act 90-0731 provided for the Qualified Illinois Domestic Relations Order. These rules are being adopted to provide guidance and direction to State Employees' Retirement System members and their legal representatives for the administration of P.A. 90-0731. Definitions of terms, filing procedures and requirements, error corrections, required documents, benefits affected by a QILPRO and providing benefit information for divorce purposes are defined in this rule.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 45 days after the proposed rules are published in the *Illinois Register* and should be directed to:

Michael L. Morv, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2101 South Veterans Parkway
Springfield, Illinois 62794-9255
Telephone: 217/785-7444

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

STATE EMPLOYERS' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER 1: STATE EMPLOYERS' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE

STATE EMPLOYERS' RETIREMENT SYSTEM OF ILLINOIS

Section	
1540.5	Introduction.
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal From the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions By the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments

STATE EMPLOYERS' RETIREMENT SYSTEM OF ILLINOIS

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1540.320	Optional Forms of Benefits - Basis of Computation
1540.330	Board Elections
1540.340	Excess Benefit Arrangement
1540.350	Qualified Illinois Domestic Relations Orders (QILDRO)

TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 1540.350 Qualified Illinois Domestic Relations Orders (QILDRO)

a) Definitions

- 1) The definitions in Section 1-119(a) of the Illinois Pension Code (the Act) [40 ILCS 5/1-119(a)(2)] shall apply to this Section.
- 2) The phrase "death benefit" in Section 1-119(a)(2) of the Act [40 ILCS 5/1-119(a)(2)] includes a lump sum payment described in

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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- Sections 14-116, 14-117 and 14-128 of the Act.
- 3) The phrase "member's refund" in Section 1-119(a)(5) of the Act [40 ILCS 5/1-119(a)(5)] does not include an error refund as defined in subsection (a)(4) of this Section.
 - 4) The phrase "error refund" as used in this Section includes:
 - A) a refund paid to a member as the result of an error in a payment to the System;
 - B) an interest rebate; or
 - C) a refund paid to a member as the result of the member's failing to complete the required contributions necessary to purchase or reinstate service credit.
 - 5) The phrase "disability benefit" in Section 1-119(a)(3) of the Act [40 ILCS 5/1-119(a)(3)] includes:
 - A) an occupational disability benefit under Section 14-123 of the Act [40 ILCS 5/14-123];
 - B) a temporary disability benefit under Section 14-123.1 of the Act [40 ILCS 5/14-123.1]; or
 - C) a nonoccupational disability benefit under Section 14-124 of the Act [40 ILCS 5/14-124].
 - 6) The phrase "member's retirement benefit" as used in this Section means the total amount of the retirement benefit as defined in Section 1-119(a)(8) of the Act [40 ILCS 5/1-119(a)(8)] that would be payable to the member in the absence of a QILDRO.
 - 7) The phrase "partial member's refund" as used in this Section includes:
 - A) a refund of widow/survivor benefit contributions;
 - B) a refund of alternative formula contributions as a result of the member not completing sufficient service to qualify for the alternative formula retirement benefit; or
 - C) a refund of early retirement contributions.
- b) Requirements for a Valid Qualified Illinois Domestic Relations Order
- The System will accept a court order as a valid Qualified Illinois Domestic Relations Order, or QILDRO, that meets all of the following requirements:
- 1) The order must be accompanied by a \$50 non-refundable processing fee, by check payable to the State Employees' Retirement System.
 - 2) If the order applies to a person who became a member of the System before July 1, 1999, the order must be accompanied by the original Consent to Issuance of QILDRO signed by the member.
 - 3) The order must be a certified copy of an original order dated on or after July 1, 1999.
 - 4) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such a property distribution.
 - 5) The order must contain the name, residence address, and Social Security number of the member.

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- 6) The order must contain the name, residence address, and Social Security number of the alternative payee.
 - 7) The order must identify the State Employees' Retirement System as the retirement system to which it is directed.
 - 8) The order must express any amount to be paid to the alternative payee from a member's retirement benefit as a dollar amount per month.
 - 9) The order must express any amount to be paid to the alternative payee from a member's refund or partial refund as a dollar amount.
 - 10) The order must not contain formulas or percentages.
 - 11) The order must apply only to benefits that are statutorily subject to QILDROS as provided in Section 1-119(b)(1) of the Act [40 ILCS 5/1-119(b)(1)].
 - 12) The order and, if applicable, the Consent to Issuance of QILDRO must be in the form adopted by the System as of the date the order is received.
 - 13) No language may be added to, or omitted from, the QILDRO form or the consent form adopted by the System.
- c) Curing Minor Deficiencies
- 1) An order containing one or more of the deficiencies enumerated in subsection (c)(2) of this Section may be corrected and resubmitted within 60 days after the date the System sends notice of the deficiency or deficiencies. Such 60-day period is referred to in this Section as the cure period.
 - 2) Only the following deficiencies may be corrected during the cure period:
 - A) The order is not accompanied by a \$50 non-refundable processing fee, by check payable to the State Employees' Retirement System.
 - B) The order applies to a person who became a member of the System before July 1, 1999, and is not accompanied by the original Consent to Issuance of QILDRO signed by the member.
 - C) The consent form accompanying the order is not in the form adopted by the System.
 - D) The order is not a certified copy of the original.
 - E) The order omits or inaccurately states the member's name, address, or Social Security number.
 - F) The order omits or inaccurately states the alternative payee's name, address, or Social Security number.
 - G) Any other deficiency determined by the System, in its sole discretion, to be of a minor nature.
 - 3) If the System receives an order containing one or more deficiencies identified in subsection (c)(2) of this Section, and the order applies to a member who is currently receiving a monthly benefit payment or has a refund application pending, the System will hold the portion of the member's retirement benefit or refund that would be payable to the alternative payee if the

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QILDRO were valid, until one of the following occurs:

- A) The System determines that all deficiencies have been corrected during the cure period; or
- B) The cure period expires and one or more deficiencies have not been corrected.
- 4) If the System determines that all deficiencies have been corrected during the cure period, the QILDRO will be deemed received as of the date the original order was received.
- 5) If the cure period expires and the System determines that one or more deficiencies have not been corrected, the order will be deemed invalid, and any amounts held during the cure period will be paid to the member payee.

d) Required Form

- 1) A QILDRO must be in the form adopted by the System as of the date that the QILDRO is received. The required QILDRO form is available from the System upon request.
- 2) A QILDRO that is not in the form adopted by the System is invalid.
- 3) A Consent to Issuance of QILDRO must be in the form adopted by the System as of the date that the QILDRO is received. The required consent form is available from the System upon request.
- 4) A consent form that is not in the form adopted by the System is invalid.

e) Filing a QILDRO with the System

- 1) A QILDRO should be sent to the System's Springfield Office/Claims Division, accompanied by the consent form, if applicable, and the \$50 non-refundable processing fee.
- 2) A QILDRO will be deemed received by the System on the date that it is received in the System's Springfield Office/Claims Division.
- 3) Within 30 calendar days after receipt of a QILDRO, the System will review the order and notify the member and each alternative payee by first class mail that it has received the order, and whether the order is a valid QILDRO. If the System determines that the order is not a valid QILDRO, the notice will specify the reason or reasons.
- 4) A QILDRO that has been modified by the issuing court should be submitted in the same manner as the original QILDRO. A separate \$50 non-refundable processing fee is required for each modified QILDRO.

f) Benefits Affected by a QILDRO

- 1) A QILDRO may apply only to the following benefits administered by the System:
 - A) a monthly retirement benefit;
 - B) a member's termination refund; and
 - C) a member's partial refund.
- 2) If a QILDRO specifies a dollar amount payable to an alternative payee from any partial member's refund that becomes payable, the

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aggregate amount paid to the alternative payee from all partial member's refunds shall not exceed the dollar amount specified in the QILDRO.

3) A QILDRO shall not apply to any of the following:

- A) a death benefit;
- B) a reversionary annuity that becomes payable following the death of the member;
- C) a survivor benefit;
- D) any disability benefit;
- E) an error refund; and
- F) any other benefit paid under Article 14 [40 ILCS 5/Art. 14] not specifically listed in subsection (f)(1) of this Section.

4) If the space provided on the QILDRO form for the dollar amount the alternative payee is to receive from the member's retirement benefit, member's refund or partial member's refund is left blank, then the alternative payee will receive no portion of the benefit or refund for which the space is left blank.

g) Effect of a Valid QILDRO

- 1) After the System has determined that a QILDRO applying to periodic benefits is valid, one of the following will occur:

- A) If the member has not yet started receiving benefits, the QILDRO will be placed in the member's file and will be implemented when the first affected benefit payment commences; or
- B) If the member is already receiving benefits subject to the QILDRO, payment to the alternative payee will begin with the first payment to the member occurring at least 30 days after the QILDRO was received.

2) After the System has determined that a QILDRO applicable to a member's refund or partial member's refund is valid, one of the following will occur:

- A) If the member has not applied for a refund the QILDRO will be placed in the member's file and will be implemented when payment of the affected refund is made;

- B) If a refund application is pending when the System receives a QILDRO that purports to apply to the refund but the refund payment has not yet been vouchered, the System will hold the portion of the refund that would be payable to the alternative payee until it receives clarification from the court as to whether the QILDRO is effective against that pending refund. It is the member's or alternative payee's responsibility to obtain such clarification from the court and to notify the System of the court's clarification; or
- C) If a refund payment has already been vouchered when the System receives a QILDRO that purports to apply to the refund, the QILDRO shall not be effective against that refund.

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- 3) "Vouchered" as used in subsection (a)(2) of this Section means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.

b) Termination of QILDRO

The System will consider a QILDRO as having been terminated in any of the following situations:

- 1) Upon receipt of a certified copy of a court order terminating the QILDRO;
- 2) Upon payment of all amounts provided for in the QILDRO; or
- 3) When the person to whom the QILDRO applies ceases to be a member or annuitant of the System.

i) QILDROs Against Persons Who Became Members Prior to July 1, 1999

1) A QILDRO that applies to a person who became a member of the System prior to July 1, 1999, must be accompanied by the original Consent to Issuance of QILDRO signed by the member. If the original is unavailable, a certified copy of the consent form filed with the court that issued the QILDRO is acceptable in lieu of the original.

- 2) The Consent to Issuance of QILDRO must be in the form adopted by the System as of the date the QILDRO is received. The required consent form is available from the System upon request. A consent form that is not in the form adopted by the System is invalid.

- 3) In accordance with Section 1-119(m)(1) of the Act [40 ILCS 5/1-119(m)(1)], a consent form must be signed by the member to whom the QILDRO applies. A consent form signed by a judge in lieu of the member is invalid.

j) Alternative Payee's Address

- 1) An alternative payee is responsible to report to the System in writing each change in his or her name and residence address.

- 2) When a member's retirement benefit or refund subject to a QILDRO becomes payable, the System will send notice to the last address of the alternative payee reported to the System that the benefit or refund is payable. Other than sending such notice, the System shall have no duty to take any other action to locate an alternative payee.

- 3) The 180-day period during which the System will hold the retirement benefit or refund as provided in Section 1-119(e)(2) of the Act [40 ILCS 5/1-119(e)(2)] begins on the date that the notice described in subsection (j)(2) of this Section is sent to the last address of the alternative payee reported to the System, or on the date that the retirement benefit or refund becomes payable, whichever is later.

k) Electing Form of Payment

- 1) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/20] is not a prohibited election under Section 1-119(j)(1) of

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- the Act [40 ILCS 5/1-119(j)(1)].
- 2) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Act.

- 3) A member's election of a form of payment of annuity that reduces the member's total benefit, while still allowing full payment to the alternative payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the Act.

l) Automatic Annual Increases

- 1) The alternative payee will or will not receive a proportionate share of any automatic annual increase in the member's retirement benefit under Section 14-114 of the Act [40 ILCS 5/14-114], according to the designation in the QILDRO. If the QILDRO fails to designate whether the alternative payee is intended to receive a proportionate share of the automatic annual increase, then the System will presume that the alternative payee is not entitled to a proportionate share of the automatic annual increase in the member's share.

- 2) The initial increase in the amount due the alternative payee under the QILDRO is payable with the next succeeding increase due the member after the date the QILDRO first took effect.

- 3) The System will calculate the amount of any increase payable to the alternative payee under the QILDRO.

- 4) The amount of any increase payable to the alternative payee is the percentage of increase due the member under Sections 14-114 or 14-115 of the Act [ILCS 5/14-114, 14-115], multiplied by the alternative payee's monthly benefit as of the date of the increase.

m) Providing Benefit Information for Divorce Purposes

- 1) Within 45 days after receiving a subpoena or request from a member, the System will provide a statement for divorce purposes regarding the amount of a member's retirement benefit based on the most current information on file with the System.

- 2) Information provided by the System for divorce purposes does not include the amount of a member's retirement benefit for which no information is yet on file with the System.

- 3) Information provided by the System for divorce purposes does not reflect an actuarial opinion as to the present value of a member's retirement benefit, refund, or other interests.

- 4) Except as otherwise indicated by the System in a statement regarding a member's benefits, information provided by the System for divorce purposes reflects the member's total service career for which service credit in the System has accrued, and is not isolated as to the marital period only.

- 5) The System does not calculate the amount of a member's retirement benefit or refund that would be payable to a former spouse pursuant to a divorce decree or dissolution judgment.

- 6) While the System makes every effort to provide accurate

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information for divorce purposes, benefit estimates are by their nature approximate and subject to revision due to errors, omissions, erroneous assumptions, or future changes in the rules and laws governing the System.

- 7) The System does not disclose information for divorce purposes to spouses, former spouses, relatives, or other third parties including the member's attorney, except in response to the member's written authorization to release such information, or in response to a subpoena.

(Source: Added at 25 Ill. Reg. _____, effective _____)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Bonding Guidelines
- 2) Code Citation: 71 Ill. Adm. Code 50
- 3) Section Numbers: Adopted Action:
50.110 Repeal
50.120 Repeal
- 4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06]
- 5) Effective date of Repealer: December 22, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: September 29, 2000; 24 Ill. Reg. 14286
- 10) Has JCAR issued a Statement of Objections to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR requested no changes.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part being repealed will be replaced by new adopted rules published in the same issue of the *Illinois Register*.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Fredrick W. Hahn, Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706
217/782-0700

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Bonding Guidelines
- 2) Code Citation: 71 Ill. Adm. Code 50
- 3) Section Numbers:
50.110 Adopted Action:
New Section
50.120 New Section
New Section
50.130 New Section
- 4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06]
- 5) Effective date of Rules: December 22, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: September 29, 2000; 24 Ill. Reg. 14295
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Section 50.120(g)(2), line 242 "provided" was deleted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking replaces bonding guidelines rules being repealed. The new adopted rule updates the statutory provisions and reformatted for clarification.
- 16) Information and questions regarding these adopted rules shall be directed to:

Fredrick W. Hahn, Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

217/782-0700

The full text of the adopted rules begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER a: RULES

PART 50
BONDING GUIDELINES

- Section
50.110 General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds
50.120 Standardized Definitions and Guidelines
50.130 Limitations on Expenditures of Bond Proceeds

AUTHORITY: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20247, effective October 1, 1984; amended at 12 Ill. Reg. 9845, effective May 27, 1988; old Part repealed and new Part adopted at 25 Ill. Reg. 67, effective 1/1.

Section 50.110 General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds

- a) General. The general uses of Capital Development Bond, School Construction Bond, General Obligation Bond and Build Illinois Bond proceeds appropriated to the Board shall always be and remain consistent with the provisions expressed in Article VIII, Section 1 and Article IX, Section 9 of the 1970 Constitution of the State of Illinois, and with the provisions of the Capital Development Bond Act of 1972 [30 ILCS 420], the School Construction Bond Act [30 ILCS 390], General Obligation Bond Act [30 ILCS 330] and the Build Illinois Bond Act [30 ILCS 425].
- b) Bondable Capital Improvements. Bondable capital improvements and related expenditure purposes generally include, but are not limited to, the following:
- 1) Planning expenses for architectural and engineering design;
 - 2) Real property;
 - 3) Buildings, additions, and/or structures (including required site development or preparation and associated fixed equipment that is required for functional effectiveness);
 - 4) Utilities;
 - 5) Initial durable movable equipment as defined in Section 50.120(e), Durable Movable Equipment;
 - 6) Site improvements;
 - 7) Remodeling and/or Rehabilitation;

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- 8) Direct costs associated with the issuance of State General Obligation Bonds.

c) General Obligation Bond Proceeds.

- 1) In general, any expenditure purpose shall be considered appropriate for financing from proceeds provided that such expenditure purposes:

- A) are not recurring. In this context, recurring expenses are defined as those costs that are incurred at frequent or regular intervals within the initial term of financing, and that would cause pyramiding accumulation of costs for the same expenditure purpose before the expenses initially incurred for such purpose are completely amortized;
- B) can be characterized as durable or not readily consumed in use;
- C) reflect an extended useful life or longevity that confers long-term (non-transitory) benefits on the citizens of the State of Illinois;
- D) are not subject to inherent risk of failure or rapid technological obsolescence, or primarily intended to fulfill temporary requirements;
- E) reflect a direct interest of the State of Illinois, including its legally constituted subdivisions, in any real property to be improved, as evidenced by valid title to the real property on which the proposed improvement is to be made, or an easement interest of record that at least encompasses the proposed term of bond financing;
- F) appreciably increase, improve, or enhance the equitable interests of the State of Illinois in capital facilities, land, permanent improvements, and related assets;
- G) are considered as internal components of a project, which if considered separately may not reflect an extended useful life, but will be bondable provided that such components are initially required for and appreciably contribute to effective functioning, or are otherwise incapable of separation from a more complex unit that in itself is bondable.
- 2) All seven factors must be present in order for an expenditure purpose to be bondable.
- 3) Notwithstanding the above prescribed purposes, a nonconforming expenditure may yet be considered bondable if it is deemed to be in the public interest as evidenced by a substantive enactment of the General Assembly. Only Public Acts specifying a project shall be deemed a substantive enactment.

Section 50.120 Standardized Definitions and Guidelines

The following standardized definitions and guidelines enumerate the appropriate utilization of Capital Development, School Construction, General Obligation and

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Build Illinois Bond proceeds appropriated to the Board to finance bondable capital improvements as listed in Section 50.110(b) above.

a) Planning. Bondable planning costs include those expenditures that are related to architectural and engineering design required for planning the construction or installation of bondable capital improvement projects. Included are costs for schematic design development, which refers to preliminary studies developed from program statements that reflect the general functional characteristics and architectural requirements of a bondable capital improvement project; costs for definitive design development, which means the refinement of schematic design into final detailed design requirements; and costs incurred for the completion of construction documents and detailed working drawings required for bidding and construction, including any allowable reimbursables provided within an executed contract for professional and technical services.

b) Land. Land includes expenditures for the acquisition of real property (including easements of record with an extended term, but excluding any leasehold interests obtained through rental of real property), whether obtained by purchase or by condemnation under the applicable eminent domain laws of the State of Illinois, and for all expenses directly and necessarily related to such purchase or condemnation. All necessary and reasonable expenses incurred in the acquisition of real property qualify for bond financing. Such expenditures may include but are not limited to the following:

- 1) land costs
- 2) appraisal fees
- 3) title opinions
- 4) surveying fees
- 5) real estate fees
- 6) title transfer taxes
- 7) condemnation costs and related legal expenses.

c) Buildings, Additions, and/or Structures. Buildings, additions and/or structures shall mean and include those facilities with a roof and/or walls that have a foundation. This category also includes site developments necessarily required or related to the preparation of a site for construction purposes; and required built-in, special-purpose, or other fixed equipment, which is permanently affixed or connected to real property in such a manner that removal would cause consequent damage to the real property to which it is affixed. All expenditures that may be classified within the category defined shall be bondable.

d) Utilities. In general, the category utilities shall mean and include expenditures for the acquisition, construction, replacement, modernization, and/or extension of systems for distributing or disbursing utility services. Bondable utility costs may include but are not limited to the following items:

- 1) provisions for potable water, high-temperature water for sanitary or other related purposes, domestic hot or chilled water;

- 2) systems and associated components for disbursing or distributing electricity or providing telecommunications service, including underground or overhead distribution cables for television, computers, or other modes of communication;
- 3) steam and condensate returns;
- 4) storm and/or sanitary sewers;
- 5) fire hydrants and stand pipes;
- 6) central fire and security alert systems;
- 7) exterior lighting;
- 8) tap-ons or extensions related to existing utility systems;
- 9) automated temperature/environmental control systems, and air and water pollution control systems;
- 10) provisions for the disposal of scientific contaminated waste and surgical waste;
- 11) solar heating or other approved energy systems;
- 12) sewage and water treatment facilities, equipment and related distribution systems;
- 13) earth moving to create artificial lakes or reservoirs for utility or related conservation purposes;
- 14) restoration of natural and/or man-made features of the site of any utilities installation to its original condition;
- 15) trenches or ditches dug for the purpose of laying tile or providing ducts to remove excessive rainfall and prevent erosion.

e) Durable movable equipment

1) Durable movable equipment shall mean initial movable equipment, including all items of initial equipment, other than built-in equipment, that are necessary and appropriate for the functioning of a particular facility for its specific purpose, and that will be used solely or primarily in the rooms or areas covered in the subject project. Further, such equipment is defined as manufactured items that have an extended useful life, are not affixed to a building and are capable of being moved or relocated from room to room or building to building, are not consumed in use, and have an identity and function that will not be lost through incorporation into a more complex unit.

2) In applying the above definition, reference should be made to the State Finance Act (30 ILCS 105), and the distinction between commodities (Section 15b of that Act) and equipment (Section 20) as defined by that Act. Within the context of that Act, the following guidelines should be applied in defining durable movable equipment:

- A) Bondable
 - i) Office/household equipment and furniture will be bondable.
 - ii) Machinery, implements and major tools will be bondable.
 - iii) Scientific instruments and apparatus will be bondable when they have a useful life similar to office

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- equipment.
- iv) Transportation and installation costs incurred with an outside source will be considered part of the equipment cost for items funded by the Board.
 - v) Equipment not otherwise classified will be considered bondable provided it meets all other guidelines.
 - vi) Significant useful life should be considered a minimum of 10 years.
- B) Non-bondable
- i) Scientific apparatus items that are subject to short useful life, such as glassware, tubing, crockery and light bulbs are not bondable. These items are more correctly defined as commodities.
 - ii) Library books, maps, and paintings other than those purchased in the Art in Architecture program [20 ILCS 3105/14] are not fundable from bond funds.
 - iii) Livestock, for any use, is not fundable from bond funds.
 - iv) Rolling stock, including boats, cars, trucks and related items, are not fundable from bond funds.
 - v) Spare and replacement parts should be considered commodities.
 - vi) No commodities shall be purchased from bond funds.
- f) Site Improvements. Site improvements means and includes expenditures for all improvements to real property that are not otherwise included within the category of buildings, additions and/or structures (subsection (c) of this Section). Bondable site improvement expenditures shall include all above costs incidental to demolition, rough and final grading of a site, and the construction or replacement of sidewalks, road and driveway pavement surfaces, bridges, ramps, curbs, overpasses, underpasses, pedestrian bridges and tunnels, surface parking areas, campground development, building terraces, retaining walls, exterior lighting, and seeding or sodding for erosion control only if related to a bondable capital improvement project.
- g) Remodeling and Rehabilitation
- 1) Bondable remodeling and rehabilitation means and includes expenditures for all capital improvements that have the primary objective of altering the functional capabilities of a structure or facility.
 - 2) Remodeling shall include all capital improvement projects that have the primary objective of changing the functional character of areas, modifying capacity for the number of persons who can be accommodated, and/or altering spatial relationships.
 - 3) Rehabilitation shall include all non-recurring capital improvement expenditures having the primary purpose of restoring or upgrading an existing area to original operating condition. Recurring expenditures for repairs and/or maintenance that are predictable or reflect regular attention in preserving or keeping

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- h) a facility in ordinarily efficient operating condition or arresting deterioration without appreciably upgrading, improving, or increasing the value of a facility, shall be considered non-bondable repair and maintenance expenditures.
- i) Direct Costs Associated with the Issuance of State General Obligation Bonds. Costs of this nature shall include expenses associated with advertising, printing, bond rating, security, delivery, legal and financial services, and all other expenses necessary and incident to the issuance of State General Obligation Bonds.

Section 50.130 Limitations on Expenditures of Bond Proceeds

- a) The following expenditure purposes shall not be bondable:
 - 1) operational and administrative expenses, such as compensation costs, travel, commodities, non-initial equipment, or other recurring expenditures that are similar in character;
 - 2) expenditures for leasing or rental of equipment and/or facilities;
 - 3) archeological digs, research, or exploration;
 - 4) expenditures for routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property that would typically be covered by operation and maintenance funds of the user agency and for reimbursement of user agencies for administration, staff, or other costs;
 - 5) expenditures to acquire or construct temporary facilities or facilities whose abandonment or replacement is imminent;
 - 6) unpredictable or unusual legal expenses (other than land acquisition legal expenses), such as for special litigation, that are not ordinarily or customarily provided within the budget for a capital improvement project. These expenditures are more appropriately financed from contractual services operating funds appropriated for such purposes;
 - 7) separate purchases of sand, gravel, rock, asphalt and concrete in limited quantities; ordinary hardware items; temporary, nondurable fencing; spare and/or replacement parts and equipment; hand tools; decorative models, plaques and other commemorative memorabilia; and other commodity-type consumable items having a relatively brief expected useful life;
 - 8) expenditures for general long-range development plans, master plans, historical or archeological research, surveying, preliminary engineering studies, aerial mapping, feasibility studies, program or scope statements, or other expenditures similar in character;
 - 9) expenditures for independent landscaping improvements that are not directly associated with a bondable capital improvement project. In this context, seeding or sodding that is not primarily intended for erosion control in relation to a bondable capital improvement project shall not be bondable. Similarly,

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expenditures incurred for the planting of trees, shrubs, bushes, or other vegetation, including revegetation, shall not be bondable improvements unless the expenses are directly and initially associated with or represent an integral component of a bondable capital improvement project.

- b) The following expenditure purposes shall be bondable only if those purposes demonstrate an expected useful life, based upon engineering studies, supporting technical data, or relevant precedents under similar circumstances, that is at least equal to the term of bond financing:

- 1) purchase or installation of metal pilings or similar materials (but not riprap) for the purpose of erosion and/or flood control, provided that the impact of the proposed expenditure is to improve rather than maintain such areas;
- 2) expenses directly related to dredging, levee, drainage, channel and/or lake improvements;
- 3) rehabilitation of existing road and parking area surfaces;
- 4) costs incurred in the acquisition or purchase of historical, antique or period furnishings of value, provided that the items are directly associated with a new capital improvement project and considered essential to the primary purpose of such project and acquisition of the furnishings is pursuant to the mandate of the appropriation for the project, and further provided that the items will be subject to adequate security and protection and accepted property control accountability.

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- 1) Heading of the Part: Administration of Funds Created by the Wireless Emergency Telephone Safety Act

2) Code Citation: 83 Ill. Adm. Code 1000

3) Section Numbers: Adopted Action:

1000.100	New
1000.110	New
1000.120	New
1000.200	New
1000.210	New
1000.300	New
1000.310	New
1000.320	New
1000.330	New
1000.400	New
1000.410	New
1000.420	New
1000.500	New
1000.510	New
1000.520	New
1000.530	New
1000.600	New
1000.610	New
1000.700	New
1000.710	New
1000.720	New
1000.730	New
1000.740	New
1000.750	New
1000.760	New
1000.770	New
1000.Appendix A	New
1000.Appendix B	New
1000.Appendix C	New

- 4) Statutory Authority: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751]

5) Effective Date of Rules: December 18, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

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9) Date Notice of Proposal Published in Illinois Register: September 8, 2000
24 Ill. Reg. 13463

10) Has JCAR issued a Statement of Objections to the Amendments? No

11) Differences between proposal and final version.

Section 1000.400(c). Rewritten
Section 1000.600(d). Deleted
Section 1000.610(e). Added
Section 1000.Appendix A. Rewritten
Several minor editing changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rules currently in effect? No

14) Are there any rules pending on this Part? No

15) Summary and Purpose of Rules: The rules were prepared by the agency to implement its responsibilities under the Wireless Emergency Telephone Safety Act (the "Act"). Under the Act, Wireless Carriers are required to collect certain surcharges set by the Wireless Enhanced 9-1-1 Board and then remit the surcharges, along with certain geographic subscriber information, to the State of Illinois. The surcharges are deposited into certain funds and then used (a) to reimburse Wireless Carriers for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates, (b) to make grants to Emergency Telephone System Boards, Qualified Governmental Entities and the Department of State Police and (c) to pay administrative costs. These rules set forth procedures for remitting surcharges and subscriber information and the manner in which the agency will administer the funds.

16) Information and questions regarding this adopted rule shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

The full text of the adopted rules begin on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER II: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1000

ADMINISTRATION OF FUNDS CREATED BY
THE WIRELESS EMERGENCY TELEPHONE SAFETY ACT

SUBPART A: GENERAL PROVISIONS

Section
1000.100 Scope
1000.110 Definitions
1000.120 Duties of DCWS

SUBPART B: ELIGIBILITY OF PROVIDERS AND CARRIERS

Section
1000.200 Eligibility of Providers
1000.210 Eligibility of Carriers

SUBPART C: GENERAL ADMINISTRATION

Section
1000.300 Transmission of Subscriber Information
1000.310 Transmission of Surcharge Moneys
1000.320 Allocation of Surcharges
1000.330 Administrative Costs

SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

Section
1000.400 Distribution of Moneys
1000.410 Grants for Subscribers in Overlapping Jurisdictions
1000.420 Overpayments and Underpayments

SUBPART E: ADMINISTRATION OF THE WIRELESS CARRIER REIMBURSEMENT FUND

Section
1000.500 Permitted Reimbursements
1000.510 Reimbursement for Approved Expenditures
1000.520 Priority of Distributions
1000.530 Overpayments and Underpayments

SUBPART F: DISPUTES AND PROTESTS

Section
1000.600 Resolution of Disputes
1000.610 Protests

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SUBPART G: MISCELLANEOUS

Section	Use of Grants and Reimbursements
1000.700	Distributions Subject to Appropriation
1000.710	Records
1000.720	Physical Inspections
1000.730	Confidentiality and Public Disclosure
1000.740	Indemnification
1000.750	Reliance on Communications
1000.760	Contacting DCMS

Appendix A	Form of Electronic Carrier Subscriber Information Transmittal
Appendix B	Format of Carrier Remittance Transmittal
Appendix C	Form of Sworn Statement

AUTHORITY: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751].

(Source: Adopted at 25 Ill. Reg. 76 - , effective: 1/1/11)

SUBPART A: GENERAL PROVISIONS

Section 1000.100 Scope

This Part shall apply to all Wireless Carriers, Emergency Telephone System Boards, Qualified Governmental Entities and Wireless Public Safety Answering Points.

Section 1000.110 Definitions

For purposes of this Part:

"Act" shall mean the Wireless Emergency Telephone Safety Act [50 ILCS 751].

"Administrative Costs" shall mean the ordinary and extraordinary fees, costs and expenses incurred by DCMS in performing its duties and responsibilities under the Act and this Part, including legal and other professional and consulting fees and expenses.

"Carrier" shall mean a Wireless Carrier.

"Communications Revolving Fund" shall mean that certain fund designated as a special fund in 30 ILCS 105/5.12.

"DCMS" shall mean the Illinois Department of Central Management

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Services.

"Dsp" shall mean the Illinois Department of State Police.

"FCC" shall mean the Federal Communications Commission.

"Funds" shall mean the WSEF and the WCRF.

"Grant" shall mean a distribution from the WSEF to a Provider pursuant to Sections 20 and 25 of the Act.

"ICC" shall mean the Illinois Commerce Commission.

"Provider" shall mean an Emergency Telephone System Board or Qualified Governmental Entity. DSP shall be considered a Provider to the extent that it is acting as a Wireless Public Safety Answering Point.

"Reimbursement" shall mean a distribution from the WCRF to a Carrier for the purpose of reimbursing that Carrier for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates pursuant to Sections 30 and 35 of the Act.

"Subscriber" shall mean a Wireless Subscriber.

"WCRF" shall mean the Wireless Carrier Reimbursement Fund.

"WSEF" shall mean the Wireless Services Emergency Fund.

All other capitalized terms not defined herein shall have the meaning ascribed to them in the Act.

Section 1000.120 Duties of DCMS

DCMS shall have the following duties and responsibilities under the Act:

- To adopt administrative rules governing Grants and Reimbursements;
- To develop and maintain a database of Providers eligible to receive Grants and Carriers eligible to receive Reimbursements;
- To the extent authorized by the State Treasurer, to collect and allocate surcharges remitted by Carriers into the Funds;
- To make monthly Grants to eligible Providers;
- To review and process properly presented Carrier requests for Reimbursement in accordance with the Act;
- To account for all surcharges collected and moneys disbursed;
- To maintain auditable records of receipts, Grants and Reimbursements and provide an annual accounting of the Funds to the Auditor General as required by the Act; and
- To resolve disputes as required by the Act.

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SUBPART B: ELIGIBILITY OF PROVIDERS AND CARRIERS

Section 1000.200 Eligibility of Providers

To be eligible to receive a Grant, a Provider (other than DSP) must make a written request on its letterhead to DCMS stating that it desires to receive Grants from the WSEF. The request must be accompanied by:

- a) a copy of its declaration of intention to serve as a primary Wireless 9-1-1 Public Safety Answering Point filed with the ICC and DSP;
- b) a copy of its plan (with all exhibits and schedules) filed with the ICC to obtain authority to handle 9-1-1 wireless calls (and all amendments and modifications to the plan), unless the plan has been provided directly to DCMS by the ICC;
- c) a detailed explanation of the geographic area the ICC has granted it authority to cover, by five digit zip code. The explanation must include:

- 1) all zip codes in which the Provider has sole authority from the ICC to handle wireless 9-1-1 calls; and
- 2) all zip codes in which the Provider has shared authority from ICC to handle wireless 9-1-1 calls (in this instance the Provider may also define its geographic coverage area by nine digit zip code);
- d) a list of all other Providers, by zip code, also providing coverage in the geographic area the ICC has granted it authority to cover (or, if none are known, a statement to that effect);
- e) copies of all documentation evidencing agreement with other Providers governing the manner in which Grants relating to Subscribers in overlapping geographic areas (defined by zip code) should be made (or, if no such agreements exist, a written statement to that effect); and
- f) a certified copy of the letter from the ICC granting it authority to handle 9-1-1 calls (and all additional letters granting authority to amend or modify the initial plan). Each Provider shall be under a continuing duty to notify DCMS in writing of any changes to information submitted under this Section 1000.200. DCMS may also receive approved wireless 9-1-1 documentation directly from the ICC. Providers must abide by all other applicable rules established by the ICC in relation to the Act to receive Grants. DSP shall be considered certified and eligible to receive Grants without complying with this Section.

Section 1000.210 Eligibility of Carriers

To be eligible to receive a Reimbursement, a Carrier must:

- a) Be certified by the FCC as a wireless carrier (or reseller) operating in the State of Illinois;
- b) Have provided current Subscriber information to DCMS as required by the Act and in Section 1000.300 of this Part; and
- c) Comply with all provisions of this Part pertaining to requests for Reimbursement.

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SUBPART C: GENERAL ADMINISTRATION

Section 1000.300 Transmission of Subscriber Information

With the first transmittal of surcharges collected under the Act, and at the end of each billing month thereafter (within 10 days after the end of the Carrier monthly billing period), each Carrier shall submit to DCMS its updated total number of Subscribers per zip code (9 digit zip code if available) for that billing month. Transmittals shall be made in an electronic format, in substantially the form set forth in Appendix A of this Part, and shall be on diskette, CD, cartridge or as a file attached to an e-mail. The file must be in text format and be accompanied by a transmittal document or a proper label listing the Carrier name, Federal Employer Identification Number, billing month, and the total Subscriber record count included on the submission. Transmittals shall be mailed to:

Wireless 911 Section
DCMS Division of Telecommunications
201 West Adams
Springfield, Illinois 62704-1874

Section 1000.310 Transmission of Surcharge Moneys

- a) Surcharge moneys collected under the Act shall be remitted by check on a monthly basis. Each remittance check must display the remitting Carrier's name and Federal Employer Identification Number and a unique Carrier check number on the face. The payee shall be designated as "State of Illinois, WETSA Funds".
- b) Each remittance of fees under this Section must be accompanied by a transmittal to DCMS, with the information specified by DCMS, in substantially the form set forth in Appendix B of this Part.
- c) The checks and remittance transmittal shall be mailed to:

DCMS Office of Accounting
Attention: Cashier
520 Stratton Building
Springfield, Illinois 62706-4100

Section 1000.320 Allocation of Surcharges

Of the surcharges remitted under this Subpart, 1/3 shall be deposited into the WCRF and 2/3 shall be deposited into the WSEF.

Section 1000.330 Administrative Costs

- a) Administrative Costs shall be chargeable to the Funds.
- b) Administrative Costs shall be billed proportionally to the WCRF and the WSEF on a monthly basis. The fees so established and charged

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shall be adjusted periodically based on actual costs, and reconciled at least annually.

- c) The Administrative Costs so charged and received shall be deposited into the Communications Revolving Fund.

SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

Section 1000.400 Distribution of Moneys

Subject to appropriation, moneys in the WSEF may be used only for Grants to Providers and to pay Administrative Costs.

- a) Except as provided in this Section, DCMS, subject to appropriation, will make monthly proportional Grants to each Provider eligible to receive a Grant under Section 1000.200 of this Part based on the number of monthly Subscribers in the geographic area (defined by zip code) in which the Provider is certified as a wireless 9-1-1 service provider by the ICC.
- b) All surcharge moneys allocated to the WSEF in a given month shall be distributed to the appropriate Providers, except as reduced in subsections (d) and (e) of this Section.
- c) Funds allocated to the WSEF for geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of an eligible Provider and located within the Statewide Wireless Emergency 9-1-1 System shall be allocated to DSP. Funds allocated to the WSEF for billing addresses located outside the State of Illinois, or geographic areas (defined by zip code) that have not been claimed as the jurisdiction of an eligible Provider and are located outside the Statewide Wireless Emergency 9-1-1 System, shall be allocated proportionately to eligible Providers in the manner set forth in subsection (a) of this Section.
- d) Funds allocated to the WSEF for geographic areas that are contested between eligible Providers will be held in escrow until proper determination has been made by DCMS as provided in Section 1000.600 of this Part.
- e) The Communications Revolving Fund shall invoice the WSEF for Administrative Costs on a monthly basis.

Section 1000.410 Grants for Subscribers in Overlapping Jurisdictions

Providers sharing geographic areas (defined by zip code) are encouraged to enter into agreements governing the manner in which Grants in the shared areas should be made. Providers in shared geographic areas that do not enter into agreements must be prepared, upon 60 days' notice, to submit documentation to DCMS outlining the percentage of the shared geographic area claimed and the reasons justifying the percentage claimed for resolution in accordance with Section 1000.600 of this Part.

Section 1000.420 Overpayments and Underpayments

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In the event of an underpayment or overpayment of Grant funds, DCMS shall, at least annually, take one or more of the following corrective actions:

- a) Instruct an overpaid Provider to redirect funds to the proper (underpaid) Provider in applicable instances (in which case each affected Provider must furnish proof to DCMS that the redirection of funds has been completed as instructed); or
- b) Offset one or more future Grant payments to an overpaid Provider; or
- c) Increase one or more future Grant payments to an underpaid Provider; or
- d) Release a Grant payment to an underpaid Provider on an interim basis during the month.

SUBPART E: ADMINISTRATION OF THE WIRELESS CARRIER REIMBURSEMENT FUND

Section 1000.500 Permitted Reimbursements

Moneys in the WCRF may be used, subject to appropriation, only to reimburse Carriers for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates and to pay Administrative Costs. In no event shall any sworn invoice submitted to DCMS for reimbursement be approved for:

- a) Costs not related to compliance with FCC Wireless Enhanced 9-1-1 mandates.
- b) Costs with respect to any Wireless Enhanced 9-1-1 service that is not operable at the time the invoice is submitted.
- c) Costs of providing Wireless Enhanced 9-1-1 services in an area when a unit of local government or Emergency Telephone System Board provides wireless 9-1-1 services in that area and was imposing and collecting a Wireless Carrier surcharge prior to July 1, 1998.
- d) An amount in excess of 100% of an individual Carrier's cumulative remittances to the WCRF, net Administrative Costs and prior Reimbursements.

Section 1000.510 Reimbursement for Approved Expenditures

- a) Subject to the conditions in Section 1000.500, invoices properly submitted to DCMS shall be reviewed and either:
- 1) Approved in whole or in part; or
 - 2) Denied in whole or in part.
- b) Sworn invoices must contain a sufficiently detailed description of the goods/services for which Reimbursement is sought for DCMS to be able to validate the claim for Reimbursement. Sworn invoices submitted with insufficient detail shall be returned to the Carrier for resubmission with additional documentation necessary for DCMS to validate the claim.
- c) Carriers seeking Reimbursement shall submit a sworn statement along with each submission of invoices verifying that the charges are reimbursable under the Act and this Part. The sworn statement shall

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be submitted in substantially the form of the affidavit set forth in Appendix C of this Part. Carriers must submit requests for Reimbursement on Carrier letterhead, along with the documentation set forth above and in Appendix C of this Part, to the following address:

Wireless 911 Section
DCMS Division of Telecommunications
201 West Adams
Springfield, Illinois 62704-1874

Section 1000.520 Priority of Distributions

If insufficient funds exist in the WCRF to satisfy all outstanding claims against the WCRF, all moneys in the WCRF shall be distributed as follows:

- a) First, to reimburse the Communications Revolving Fund for outstanding Administrative Costs incurred by DCMS chargeable against the WCRF; and
- b) Second, to make outstanding Reimbursements on a pro-rata basis, including both current Reimbursements and Reimbursements due from prior months.

Section 1000.530 Overpayments and Underpayments

- a) In the event that DCMS determines that an overpayment to a Carrier has been made, it shall immediately notify the Carrier, and shall:
 - 1) direct the Carrier to immediately reimburse the overpayment to the State; or
 - 2) offset a subsequent Reimbursement in an amount equal to the overpayment.

- b) In the event that DCMS determines that an underpayment to a Carrier has been made, it shall process a voucher corresponding to the underpaid amount, subject to fund availability.

SUBPART F: DISPUTES AND PROTESTS

Section 1000.600 Resolution of Disputes

- a) In the event that DCMS is notified of an area of overlapping 9-1-1 service jurisdiction where the Providers in that geographic area have not agreed to the manner in which Grants in that area will be apportioned, the Grants for that area shall be based on reference to an official Master Street Address Guide to the Emergency Telephone System Board or Qualified Governmental Entity whose Public Safety Answering Points provide wireless 9-1-1 service in that area. The Provider claiming the overlapping jurisdiction shall be responsible for providing DCMS with a valid copy of the appropriate Master Street Address Guide. In the event no Master Street Address Guide is available for the jurisdiction at issue or does not provide the information necessary to resolve the dispute, DCMS shall resolve the

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dispute based on available information, including consultation with the ICC if deemed appropriate by DCMS. Any funds allocated to the WSEF for the geographic region in question shall be held in escrow until a resolution is reached.

- b) In the event of a Subscriber billing address being matched to an incorrect jurisdiction by DCMS, the recipient, upon notification from DCMS, shall redistribute the funds in question in the manner directed by DCMS, based on the procedures in Section 1000.410 of this Part.
- c) In the event of a dispute between Providers concerning a Subscriber billing address, DCMS shall resolve the dispute using reasonable means.

Section 1000.610 Protests

- a) A Provider or Carrier aggrieved in connection with any action taken by DCMS under this Part may file a protest.

- b) Protests shall be made in writing to the Director of DCMS and shall be filed within 14 calendar days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the Office of the Director of DCMS. Protests filed after the 14-calendar day period shall not be considered. To expedite handling of protests, the envelope should be labeled "Wireless 9-1-1 Funds Protest". The written protest shall include as a minimum the following:
 - 1) the name and address of the protester;
 - 2) a statement of reasons for the protest; and
 - 3) supporting exhibits, evidence, or documents necessary to substantiate the protest.

- c) Protests shall be sent to:

Director
Illinois Department of Central Management Services
715 Stratton Building
Springfield, Illinois 62706-4100

- d) Any additional information requested by DCMS shall be submitted within the time periods established in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by DCMS may result in resolution of the protest without consideration of that information.

- e) A decision on a protest shall be made by DCMS as expeditiously as possible after receiving all relevant requested information.

SUBPART G: MISCELLANEOUS

Section 1000.700 Use of Grants and Reimbursements

Grants and Reimbursements may be used only for the purposes set forth in the

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Act.

Section 1000.710 Distributions Subject to Appropriation

- a) Notwithstanding any other provision of this Part, Grants shall be payable solely from funds appropriated by the General Assembly to the WSEF for the purpose of making Grants. Obligations of DCMS and the State of Illinois to make Grants shall cease immediately and without liability if at any time the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make Grants.
- b) Notwithstanding any other provision of this Part, Reimbursements shall be payable solely from funds appropriated by the General Assembly to the WCRF for the purpose of making Reimbursements. Obligations of DCMS and the State of Illinois to make Reimbursements shall cease immediately and without liability if at any time the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make Reimbursements.
- c) DCMS shall notify eligible Providers and Carriers of any applicable lack of appropriations as soon as is practicable.

Section 1000.720 Records

- a) DCMS shall maintain detailed records of receipts and distributions and provide an annual accounting of the funds to the Auditor General as required by the Act.
- b) Providers shall maintain detailed books and records related to Grants received and use of the Grant funds in accordance with applicable law and generally accepted accounting principles. Providers shall maintain these books and records for a minimum of 5 years. All books and records shall be available for review or audit by DCMS, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and during normal business hours. Providers shall cooperate fully with any such review or audit. If any audit indicates overpayment to a Provider, DCMS shall adjust future or final payments otherwise due. If no payments are due and owed to a Provider, or if the overpayment exceeds the amount otherwise due, the Provider shall immediately refund all amounts that may be due to the WSEF.
- c) Carriers shall maintain detailed books and records related to surcharges billed and collected by geographic area, and records necessary to support requested Reimbursements in accordance with applicable law and generally accepted accounting principles. Carriers shall maintain these books and records for a minimum of 5 years. All books and records shall be available for review or audit by DCMS, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and during normal business hours. Carriers shall cooperate fully with any such

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review or audit. If any audit indicates overpayment to a Carrier, or subcontractor, DCMS shall adjust future or final payments otherwise due. If no payments are due and owed to a Carrier, or if the overpayment exceeds the amount otherwise due, the Carrier shall immediately refund all amounts that may be due to the WCRF.

Section 1000.730 Physical Inspections

With respect to any request for Reimbursement, DCMS may perform an on-site physical inspection of the requesting Carrier's facilities for the purpose of verifying that the request is reimbursable under the Act and this Part. Carriers shall cooperate and provide reasonable assistance requested by DCMS in the performance of any such physical inspection.

Section 1000.740 Confidentiality and Public Disclosure

Because of the highly competitive nature of the wireless telephone industry, a public disclosure of information about surcharge moneys paid by Wireless Carriers could have the effect of stifling competition to the detriment of the public and the delivery of wireless 9-1-1 services. Therefore, the Department of Central Management Services, the Department of State Police, governmental agencies, and individuals with access to that information shall take appropriate steps to prevent public disclosure of this information. Information and data supporting the amount and distribution of surcharge moneys collected and remitted by an individual Wireless Carrier shall be deemed exempt information for purposes of the Freedom of Information Act and shall not be publicly disclosed. The gross amount paid by all Carriers shall not be deemed exempt and may be publicly disclosed. [50 ILCS 751/40]

Section 1000.750 Indemnification

Except as explicitly set forth in the Act, and except as explicitly prohibited by law, each Provider requesting Grants and each Carrier shall indemnify and hold the State of Illinois, including DCMS, and its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs and fees, and expenses incident thereto, that may arise by reason of the functions or services provided by DCMS under the Act and this Part. In the event of any demand or claim against DCMS, DCMS will notify the responsible Carrier or provider in writing. DCMS may elect to defend any demand or claim and will be entitled to be paid by the Provider or Carrier for all damages, costs and attorney's fees incurred.

Section 1000.760 Reliance on Communications

DCMS may act or proceed in good faith upon any communication, whether in paper or electronic form, that it in good faith believes to be genuine and to have been submitted or issued pursuant to any of the provisions of the Act or this Part. DCMS shall be under no duty to make any investigation or inquiry as to

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any statements contained or matters referred to in any such communication, but may accept and rely upon the communication as conclusive evidence of the truth and accuracy of the statements.

Section 1000.770 Contacting DCMS

Questions relating to the content or administration of this Part shall be directed to:

Wireless 911 Section
DCMS Division of Telecommunications
201 West Adams
Springfield, Illinois 62704-1874

Section 1000.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal

Carrier Subscriber Record File Layout

INSTRUCTIONS: This file must be 32 characters in length with a header and trailer record. The header record must have an "H" indicator in the first position and the Carrier name in the remaining 31 positions. The trailer record must have a "T" in the first position and the total number of records on the file **excluding** the header and trailer records for 10 positions.

Each field length must be filled. Example: Subscriber count is a length of 10 and all spaces must be filled with leading zeros (e.g., 0000000999).

Field Name	Starting Position	Length	Data Type
FEIN	1	9	Numeric
Billing Month	10	4	Numeric (YYMM)
US Postal Zip Code	14	5	Numeric
US Postal +4 Code	19	4	Numeric
(if available)			
Subscriber Count	23	10	Numeric

SAMPLE: Below is an example of the header, trailer and field requirements.

Header:

Hcarriername

Trailer:

T9999999999

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HARRIERNAME
99999999900106270412340000000005
99999999900106270400000000000025
T0000000002

Questions concerning the field requirements may be addressed to:

Wireless 911 Subscriber Count Administration
DCMS Division of Telecommunications
201 West Adams
Springfield, Illinois 62704-1874
Phone: (217) 558-4154
Email: ILWETSA_CMS@CMS.STATE.IL.US

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Section 1000.APPENDIX B Format of Carrier Remittance Transmittal

CARRIER REMITTANCE OF WIRELESS E9-1-1 FUNDS

CARRIER NAME _____
CARRIER FEIN # _____CARRIER ADDRESS _____
CITY/ST/ZIP _____CONTACT NAME _____
CONTACT PHONE # _____REMITTANCE MONTH _____
REMITTANCE AMT \$ _____CHECK NUMBER _____
CHECK DATE _____

REMITTANCE MONTHLY BREAKDOWN:

MO/YR Billed	Amount Remitted
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____
____/____	\$ _____

TOTAL REMITTED \$ _____ *

*Must agree with Remittance Amount listed at top of form

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Section 1000.APPENDIX C Form of Sworn Statement

STATE OF ILLINOIS)
COUNTY OF _____) SS.

AFFIDAVIT

The undersigned, being first duly sworn under oath, deposes and says, under penalties of perjury:

1. I am the _____ [legal name of Carrier] [title of official making Affidavit] of _____ [insert other business form, if applicable] created and existing under the laws of the State of _____, and am duly authorized to make this Affidavit on behalf of the Carrier.
2. This Affidavit is made for the purpose of requesting Reimbursement from the Wireless Carrier Reimbursement Fund in the amount of \$ _____ [amount of reimbursement requested] pursuant to Section 35 of the Illinois Wireless Emergency Telephone Safety Act (the "Act").
3. The amount requested is reimbursable under the Act.
4. Attached hereto as Exhibit A is a list of the goods or services for which reimbursement under this Affidavit is sought.
5. Attached hereto as Exhibit B are copies of invoices supporting the Reimbursement requested.
6. All of the Reimbursement requested represents costs incurred by the Carrier in complying with Federal Communications Commission Wireless Enhanced 9-1-1 mandates ("FCC Mandates").
7. Attached hereto as Exhibit C is an explanation of how the costs represented by the attached invoices relate to compliance with the FCC Mandates described therein.
8. I have read the Exhibits attached hereto and know them to be true and accurate.
9. All Reimbursement requested hereunder represents costs that are related to compliance with the requirements established by the FCC Mandates.
10. The Reimbursement requested hereunder represents costs with respect to Wireless Enhanced 9-1-1 service that is operable and capable of transmitting Wireless Enhanced 9-1-1 data.
11. The following are the geographic areas, by zip code, receiving Wireless Enhanced 9-1-1 service as a result of the expenditures set forth in Exhibit B.
12. To the best of my knowledge, the following are the Wireless Public Safety Answering Points (as defined by the Act), receiving Wireless Enhanced 9-1-1 service as a result of the expenditures set forth in Exhibit B.
13. The Carrier is in compliance with the Act.

[Signature]

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[Printed Name of Official]

SUBSCRIBED AND SWORN TO this ____ day of ____, 200__ before me, a Notary Public in and for the County and State aforesaid, by ____ [name of official making Affidavit], who is personally known to me to be the [affiant's official title] of ____ [legal name of Carrier] who appeared before me this day and duly acknowledged to me execution of the foregoing Affidavit.

[Signature]

Notary Public
[Seal]

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1) Heading of the Part: Riverboat Gambling2) Code Citation: 86 Ill. Adm. Code 30003) Section Numbers: Adopted Action:

3000.115 Amendment

3000.238 New

3000.636 Amendment

3000.1000 Amendment

3000.1010 Amendment

4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10] (specifically 230 ILCS 10/5(b)(3) and 5(c)(3), and Public Act 91-40)5) Effective Date of Amendments: November 8, 20006) Does this rulemaking contain an automatic repeal date? No7) Do these adopted amendments contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 5, 2000; 23 Ill. Reg. 675410) Has JCRC issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: Only technical differences exist as to Sections 3000.115, 3000.636, 3000.1000, and 3000.1010. As to Section 3000.238, clarification was provided on the Board's ability to seek the appointment of a receiver as provided under the Code of Civil Procedure during the pendency of administrative hearings and related court appeals.

12) Has JCRC been made as indicated in the agreements? Yes13) Will these adopted amendments replace Emergency Amendments currently in effect? No14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Sections 3000.115, 3000.1000 and 3000.1010 require licensees to maintain records pursuant to a Records Retention Schedule periodically published by the Administrator. The changes to these sections lessen the record-keeping requirements of licensees while ensuring that necessary documents are available to the

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Board. In addition, as documents and information change, the Administrator will be able to implement those changes in a timely and responsive manner. Section 3000.238 specifies how the Board will seek the judicial appointment of a receiver to continue operating a riverboat casino while the non-renewal, revocation or suspension of the license proceeds under the Administrative Procedures Act. Section 3000.636 clarifies that the distribution of complimentary cash is subject to the Rule.

- 16) Information and questions regarding these adopted amendments should be directed to:

Jeannette P. Tamayo
Deputy Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300-S
Chicago, Illinois 60601
312/814-4639
FAX 312/814-4602

The full text of the adopted amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

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Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	or Gaming Employees
	Participation in Games by Owners, Directors, Officers, Key Persons
	Fair Market Value of Contracts
3000.170	Weapons on Riverboat
3000.180	

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions

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3000.238	<u>Appointment of Receiver for an Owner's License</u>
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section

3000.300	General Requirements - Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section

3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appealances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section

3000.500	Riverboat Cruises
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3000.510	Cancelled or Disrupted Cruises
	SUBPART F: CONDUCT OF GAMING
	Section
3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-in
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips
3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, and Tokens and Cash
3000.640	Exchange of Chips and Tokens
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
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3000.660	Minimum Standards for Electronic Gaming Devices
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3000.666	Bill Validator Requirements
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section

3000.700	Duty to Exclude
3000.710	Distribution and Availability of Exclusion Lists
3000.720	Criteria for Exclusion or Ejection and Placement on an Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section

3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility

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3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section

3000.900 Liquor Control Commission
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action
 3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section

3000.1000 Ownership Records
 3000.1010 Accounting Records
 3000.1020 Standard Financial and Statistical Records
 3000.1030 Annual and Special Audits and Other Reporting Requirements
 3000.1040 Accounting Controls Within the Cashier's Cage
 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
 3000.1060 Handling of Cash at Gaming Tables
 3000.1070 Tips or Gratuities
 3000.1071 Admission Tax and Wagering Tax
 3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

3000.1100 Coverage of Subpart
 3000.1105 Duty to Maintain Suitability
 3000.1110 Board Action Against License or Licensee
 3000.1115 Complaint
 3000.1120 Appearances
 3000.1125 Answer
 3000.1126 Appointment of Hearing Officer
 3000.1130 Discovery
 3000.1135 Motions for Summary Disposition
 3000.1139 Subpoena of Witnesses
 3000.1140 Proceedings
 3000.1145 Evidence
 3000.1146 Prohibition of Ex Parte Communication
 3000.1150 Sanctions and Penalties
 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act (230 ILCS 10).

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5,

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1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 469, effective NOV 18, 2000.

SUBPART A: GENERAL PROVISIONS

Section 3000.115 Records Retention

- a) All holders of Owner's licenses or Supplier's licenses licenses shall maintain in a place secure from theft, loss or destruction adequate records of business operations which shall be made available to the Board upon request. These records shall be held for at least as long as prescribed by the periodically published Records Retention Schedule, or longer if otherwise prescribed by general accounting and auditing procedures, litigation needs, or state or federal law. These records shall be maintained in a manner accessible to the Board or as otherwise prescribed by the Board for at least five (5) years. These records shall include but are not limited to:
- 1) All correspondence with or reports to the Board or any local state or federal governmental agency;
 - 2) All correspondence concerning the acquisition, construction, maintenance, or business of a proposed or existing Riverboat--or Support Facility;
 - 3) Copies of all promotional material and advertising; and
 - 4) A personnel file on each employee.
- b) A holder of an Owner's license, in such manner and for such time period as the Administrator may approve or require, shall keep accurate, complete and 7 legible and permanent records of any books, records or document pertaining to, prepared in, or generated by the Riverboat Gaming Operation, regardless of physical form or characteristics of subject matter, including, but not limited to, all forms, reports, accounting records, ledgers, subsidiary records, computer maintained and generated data, internal audit records, internal control records, copies of all promotional material and

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advertising, correspondence and personnel records.

- 1) The Administrator shall publish and periodically update the Retention Schedule for records to be held by a holder of an Owner's License.
- 2) The ownership records shall be maintained as provided in Section 3000.1000.
- 3) The accounting records shall be maintained as provided in Section 3000.1010.
- c) All records shall be organized and indexed in such a manner to provide immediate accessibility to agents of the Board.
- d) No original book, record or document required to be maintained by this Section may be destroyed by a holder of an Owner's or Supplier's License Et cetera prior to the scheduled retention date without prior approval of the Administrator. No original book, record or document necessary or useful to the audit or certification of a holder of an Owner's license's gross receipts may be destroyed unless and until it has been copied and stored.

(Source: Amended at 25 Ill. Reg. 34, effective 3/1/01)

SUBPART B: LICENSES

Section 3000.238 Appointment of Receiver for an Owner's License

a) Petition for Appointment of Receiver

- 1) The Board may petition the local circuit court in which the riverboat is situated, as provided under the Code of Civil Procedure, for appointment of a receiver for a riverboat gambling operation when any of the following conditions exist:

- A) the Board has suspended, revoked or refused to renew the license of the owner; or
 - B) the riverboat gambling operation is closing and the owner is voluntarily surrendering the Owner's license.
- 2) A copy of the petition and notice of a hearing shall be served on the holder of an Owner's license as provided under the Code of Civil Procedure, 735 ILCS 5/2-201 through 2-213.
- 3) The holder of an Owner's license may seek review before the Illinois Gaming Board for the revocation, non-renewal, or suspension of the license. However, the circuit court in which the Board has filed a petition for a receiver shall have sole jurisdiction over any and all issues pertaining to the appointment of a receiver. In no instance shall the holder of an Owner's license seek review of the appointment of a receiver or decision of the Board to seek appointment of a receiver or of the Board's administrative procedures.
 - 4) The Board may seek appointment of a receiver for a riverboat gambling operation on an emergency basis, as provided under the

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Code of Civil Procedure, and seek appointment of an interim receiver or a receiver pendente lite.

- 5) The Board shall specify the specific powers, duties, and limitations the Board seeks for the receiver, including but not limited to the authority to:

- A) hire, fire, promote and discipline personnel and retain outside employees or consultants;
 - B) take possession of any and all property, including but not limited to books, records and papers;
 - C) preserve and/or dispose of any and all property;
 - D) continue and direct the gaming operations under the monitoring of the Board;
 - E) discontinue and dissolve the gaming operation;
 - F) enter into and cancel contracts;
 - G) borrow money and pledge, mortgage or otherwise encumber the property;
 - H) pay all secured and unsecured obligations;
 - I) institute or defend actions by or on behalf of the holder of an Owner's license; and
 - J) distribute earnings derived from gaming operations in the same manner as admission and wagering taxes are distributed under Sections 12 and 13 of the Riverboat Gambling Act.
- b) Receiver and Duties of the Receiver
- 1) The Board shall submit at least three nominees to the court. The nominees may be individuals or entities selected from a Board approved list of pre-qualified receivers who meet the same criteria for a finding of preliminary suitability for licensure under Section 3000.230(c)(2)(B) and (C). In the event that the Board seeks the appointment of a receiver on an emergency basis, the Board shall submit at least two nominees selected from the Board approved list of pre-qualified receivers to the court and shall issue a Temporary Operating Permit to the receiver appointed by the court.
 - 2) A receiver, upon appointment by the court, shall before assuming his or her duties execute and post the same bond as an Owner's licensee pursuant to Section 10 of the Riverboat Gambling Act.
 - 3) The receiver shall function as an independent contractor, subject to the direction of the court. However, the receiver shall also provide to the Board regular reports and provide any information deemed necessary for the Board to ascertain the receiver's compliance with all applicable rules and laws. From time to time, the Board may, at its sole discretion, report to the court on the receiver's level of compliance and any other information deemed appropriate for disclosure to the court.
 - 4) The term of the receiver shall be set by the court.
 - 5) The receiver shall provide to the court and the Board at least 30 days written notice of any intent to withdraw from the appointment or to seek modification of the appointment.

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c) Compensation

- 1) The Court shall set the amount of reasonable compensation, fees, and expenses to be assessed and retained by the receiver from the adjusted gross receipts of the riverboat gambling operation, after the payment of wagering taxes and admission taxes and any other State or federal taxes, for the services, costs, and expenses of the receiver or for the persons whom the receiver may engage to assist him or her in performing his or her duties, unless otherwise set by court. The Board shall provide to the court its recommendation for a reasonable compensation at the time that the Board submits its recommendation for a receiver.
- 2) The receiver shall maintain and provide to the Court and the Board a complete accounting of all expenses and costs incurred in relation to the receiver's duties. The receiver shall maintain accounting records for a period of at least five years from the date of termination of the appointment.

- d) Effect on the Holder of an Owner's License and the Gaming Operation Except as otherwise provided by action of the Board, the gaming operation shall be deemed a licensed operation subject to all rules of the Board. The receiver, his or her outside employees and consultants, and employees of and suppliers to the gaming operation shall be subject to all rules of the Board.

e) Action of the Board

If the Board determines to file a Petition for Appointment of Receiver, it shall direct the Administrator to seek representation from the Attorney General and to undertake any and all activities related to the filing of the petition. The Board shall direct the Administrator to undertake any and all activities related to the monitoring of the gaming operation during the duration of the appointment of a receiver. The Board may act under this Section while also acting under Sections 3000.110, 3000.230 and 3000.236 as provided in subsection (a)(1) of this Section, or at any time after it issues a final administrative order pursuant to Subparts D and K of this Part.

(Source: Added at 25 Ill. Reg. 54, effective November 8, 2000)

SUBPART F: CONDUCT OF GAMING

Section 3000.636 Distribution of Coupons for Complimentary Chips, and Tokens and Cash

- a) The holder of an Owner's license license may, for specified marketing purposes, provide patrons of its Riverboat Gaming Operation coupons redeemable for complimentary Chips, or Tokens, or cash with the approval of the Administrator and subject to the following requirements:
 - 1) The processes and procedures for the control, accountability and

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distribution of coupons for Chips, or Tokens, or cash and for the redemption of such coupons are provided for in the holder of an Owner's license's license's Internal Control System and in conformance with the Internal Control System;

- 2) The aggregate dollar value of Chips, or Tokens, or cash authorized for complimentary purposes is not excessive in light of the specific marketing objectives of the licensee; and
- 3) Periodic internal audits validate the integrity and accountability of the processes and procedures authorized and required under this Section.

- b) Any provider of goods or services involved in approved coupon distribution processes and procedures under this Section may be required under this Part and the Act to be licensed as a Supplier.

(Source: Amended at 25 Ill. Reg. 54, effective November 8, 2000)

SUBPART I: LIQUOR LICENSES

Section 3000.930 Hours of Sale

A local law or ordinance applicable to the dock or to locations where Riverboat patrons embark or disembark to the contrary notwithstanding, a holder of an Owner's license license may sell alcoholic beverages or furnish or permit the same to be consumed on the Riverboat between the hours of 9:30 a.m. and 4:00 a.m. each Gaming Day. Any Owner Licensee ending a Gaming Day at or before 4:00 a.m. may sell alcoholic beverages or furnish or permit the same to be consumed on the Riverboat from 9:30 a.m. until one hour prior to that Licensee's close of Gaming Operations that Gaming Day. A Gaming Day may begin on one calendar day and end the next calendar day, provided that the Gaming Day does not extend beyond the uniform 24-hour period selected in advance by the Licensee. at any time during a scheduled excursion or as the Administrator shall determine consistent with such scheduled excursion

(Source: Amended at 25 Ill. Reg. 54, effective November 8, 2000)

SUBPART J: ACCOUNTING RECORDS AND PROCEDURES

Section 3000.1000 Ownership Records

A holder of an Owner's license shall keep on a permanent basis and provide to the Board upon request the following records.

- a) If a corporation:
 - 1) A certified copy of the articles of incorporation and any amendments;
 - 2) A certified copy of the bylaws and any amendments;
 - 3) A certificate of good standing from the state of its

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incorporation;

- 4) A certificate of authority from the Illinois Secretary of State authorizing it to do business in Illinois, if such corporation is operating as a foreign corporation in Illinois;
- 5) A list of all current and former officers and directors;
- 6) A certified copy of minutes of all meetings of the stockholders and directors;
- 7) A current list of all stockholders including the names of beneficial owners of shares held in street or other names;
- 8) The name of any business entity and a current list of all stockholders in such entity, including the names of beneficial owners of shares held in street or other names, in which such corporation has a direct, indirect or attributed interest;
- 9) A copy of the stock certificate ledger;
- 10) A complete record of all transfers of stock;
- 11) A schedule of amounts paid to the corporation for issuance of stock and other capital contributions and dates thereof;
- 12) A schedule of all salaries, wages, and other remuneration (including perquisites), direct or indirect, paid during the calendar or fiscal year, by the corporation, to all officers, directors, and stockholders with an ownership interest at any time during the calendar or fiscal year, equal to or greater than five-percent (5%) of the outstanding capital stock of any class of stock.

b) If a partnership:

- 1) A certified copy of the partnership agreement;
- 2) A certificate of limited partnership of its domicile;
- 3) A list of the partners, including names, addresses, the percentage of interest in net assets, profits and losses held by each, the amount and date of each capital contribution of each partner, and the date the interest was acquired;
- 4) A schedule of all withdrawals of partnership funds or assets; and
- 5) A schedule of salaries, wages and other remuneration (including perquisites), direct or indirect, paid to each partner during the calendar or fiscal year.

c) If a sole proprietorship:

- 1) A schedule showing the name and address of the proprietor and the amount and date of his original investment;
- 2) A schedule of dates and amounts of subsequent additions to the original investment and any withdrawals; and
- 3) A schedule of salaries, wages and other remuneration (including perquisites), direct or indirect, paid to the proprietor during the calendar or fiscal year.

(Source: Amended at 25 Ill. Reg. 54, effective)

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Section 3000.1010 Accounting Records

a) The holder of an Owner's license shall keep, in accordance with the retention schedule, and provide to the Board upon request the following records: ~~maintain complete, accurate, legible and permanent records of all transactions pertaining to its revenues and expenses, assets, liabilities and equity. The Administrator may, from time to time, direct the holder of an Owner's license to alter the manner in which such records are maintained.~~

a b) The accounting records shall be maintained using a double entry system of accounting with transactions recorded on the accrual basis and supported by detailed and subsidiary records.

b e) The Administrator shall prescribe a uniform chart of accounts including account classifications in order to insure consistency, comparability, and appropriate disclosure of financial information. The prescribed chart of accounts shall be the minimum level of detail to be maintained for each accounting classification by the holder of an Owner's license.

c d) The detailed subsidiary records shall include as a minimum the following:

- 1) Detailed general ledger accounts identifying all revenue sources, expenses, assets, liabilities and equity for the holder of an Owner's license;
- 2) Records of all investments, advances, loans and receivable balances, other than patron checks, due the establishment;
- 3) Record of all loans and other amounts payable by the holder of an Owner's license;
- 4) Record of all patron checks initially accepted by the holder of an Owner's license, deposited by the owner, returned to the owner as "uncollected" and ultimately written-off as uncollectible by the holder of an Owner's license;
- 5) Journal entries prepared by the holder of an Owner's license and the independent accountant selected by the Administrator;
- 6) Tax workpapers used in preparation of any state or federal tax return;
- 7) Records that ~~which~~ identify Table Drop, Table Win and percentage of Table Win to Table Drop for each live table Game and those records accumulated for each type of live table Game, either by shift or other accounting period approved by the Administrator;
- 8) Records that ~~which~~ identify the actual tokens-in, tokens-out, Electronic Gaming Device Drop, Electronic Gaming Device Win, Electronic Gaming Device Drop to Electronic Gaming Device Drop and Theoretical Payout Percentage for each Electronic Gaming Device on a per day basis or other accounting period approved by the Administrator;
- 9) Records supporting the accumulation of the costs for complimentary services and items. A complimentary service or item provided to patrons in the normal course of an owner's business shall be recorded at an amount based upon the full retail price

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- normally charged for such service or item;
- 10) Records that which identify the purchase, receipt, and destruction of Gaming Chips and Tokens from all sources including receipts from bill-changers;
 - 11) Records required to fully comply with all the federal financial record-keeping Federal--Financial-Record-keeping requirements as enumerated in Title 31 CFR C-F-R-7-Part 103;
 - 12) Records required by the holder of an Owner's license's Internal Control System;
 - 13) Workpapers supporting the daily reconciliation of cash accountability; and
 - 14) Records concerning the acquisition or construction of a proposed or existing Riverboat or Support Facility; and
 - 15) Any other records that the Administrator requires be maintained.
- d e) If a holder of an Owner's license license fails to maintain the records used by it to calculate the adjusted gross receipts Adjusted Gross--Receipts or the number of persons admitted on the Riverboat, the Administrator may compute and determine the amount upon the basis of an audit conducted by the Board based upon available information.

(Source: Amended at 25 Ill. Reg. 34, effective

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- 1) Heading of Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3)

Section Numbers:	Adopted Action:
211.102	Amended
211.479	New
211.1312	New
211.1316	New
211.1320	New
211.1324	New
211.1328	New
211.1515	New
211.2080	New
211.2420	New
211.2425	New
211.2620	New
211.2815	New
211.2820	New
211.3980	New
211.4960	New
211.5580	New
- 4) Statutory Authority: Implementing Sections 9, 9.1, 9.9, and 10 and authorized by Sections 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27, and 28.5]
- 5) Effective Date of Amendments: December 26, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Board's office at 100 W. Randolph, Suite 11-500, Chicago, Illinois, and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 4, 2000, 24 Ill. Reg. 11473
- 10) Has JCRC issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:

In Section 211.102, changed "Nox" to "NOx".
 In Section 211.1320, after "of" added "allocation of allowances as described in".
 In Section 211.1324, after "of" added "allocation of allowances as

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described in".

In Section 211.1515, after "inclusive" added "except that in 2004, "control period" means May 31 through September 30".

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements letter issued by JCAR? JCAR did not request that any changes be made.

13) Will this rulemaking replace an emergency rulemaking currently in effect?
No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
211.955	New Section	24 Ill. Reg. 13563, September 8, 2000
211.960	New Section	24 Ill. Reg. 13563, September 8, 2000
211.1120	New Section	24 Ill. Reg. 13563, September 8, 2000
211.3483	New Section	24 Ill. Reg. 13563, September 8, 2000
211.3485	New Section	24 Ill. Reg. 13563, September 8, 2000
211.3487	New Section	24 Ill. Reg. 13563, September 8, 2000
211.3780	New Section	24 Ill. Reg. 13563, September 8, 2000
211.4067	New Section	24 Ill. Reg. 16452, November 13, 2000
211.5015	New Section	24 Ill. Reg. 13563, September 8, 2000
211.5020	New Section	24 Ill. Reg. 13563, September 8, 2000
211.6130	Amendment	24 Ill. Reg. 16452, November 13, 2000

15) Summary and Purpose of the Rulemaking: A complete description of this Section 28.5 fast-track rulemaking is included in the Board's December 21, 2000 opinion and order in docket R01-9, which is available from the address below. Specifically, the additional sections are proposed to coincide with amendments to 35 Ill. Adm. Code 217, Subpart W, the NOX Trading Program for Electrical Generating Units.

16) Information and questions regarding this adopted rulemaking may be directed to:

Catherine Glenn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St.
Suite 11-500
Chicago, IL 60601
(312) 814-6923

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the above address. Please refer to the Docket number R01-9 in your request, or download from the Board's Web site at www.ipcb.state.il.us.

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The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS

FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

211.101 Incorporations by Reference

211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section

211.121 Other Definitions

211.122 Definitions (Repealed)

211.130 Accelacota

211.150 Accumulator

211.170 Acid Gases

211.210 Actual Heat Input

211.230 Adhesive

211.240 Adhesion Promoter

211.250 Aeration

211.270 Aerosol Can Filling Line

211.290 Afterburner

211.310 Air Contaminant

211.330 Air Dried Coatings

211.350 Air Oxidation Process

211.370 Air Pollutant

211.390 Air Pollution

211.410 Air Pollution Control Equipment

211.430 Air Suspension Coater/Dryer

211.450 Airless Spray

211.470 Air Assisted Airless Spray

211.474 Alcohol

211.479 Allowance

211.484 Animal

211.485 Animal Pathological Waste

211.490 Annual Grain Through-Put

211.495 Anti-Glare/Safety Coating

211.510 Application Area

211.530 Architectural Coating

211.550 As Applied

211.560 As-Applied Fountain Solution

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211.570 Asphalt
 211.590 Asphalt Prime Coat
 211.610 Automobile
 211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant

211.650 Automobile or Light-Duty Truck Refinishing

211.660 Automotive/Transportation Plastic Parts

211.670 Baked Coatings

211.680 Bakery Oven

211.685 Basecoat/Clearcoat System

211.690 Batch Loading

211.695 Batch Operation

211.696 Batch Process Train

211.710 Bead-Dipping

211.730 Binders

211.750 British Thermal Unit

211.770 Brush or Wipe Coating

211.790 Bulk Gasoline Plant

211.810 Bulk Gasoline Terminal

211.820 Business Machine Plastic Parts

211.830 Can

211.850 Can Coating

211.870 Can Coating Line

211.890 Capture

211.910 Capture Device

211.930 Capture Efficiency

211.950 Capture System

211.970 Certified Investigation

211.980 Chemical Manufacturing Process Unit

211.990 Choke Loading

211.1010 Clean Air Act

211.1050 Cleaning and Separating Operation

211.1070 Cleaning Materials

211.1090 Clear Coating

211.1110 Clear Topcoat

211.1130 Closed Purge System

211.1150 Closed Vent System

211.1170 Coal Refuse

211.1190 Coating

211.1210 Coating Applicator

211.1230 Coating Line

211.1250 Coating Plant

211.1270 Coil Coating

211.1290 Coil Coating Line

211.1310 Cold Cleaning

211.1312 Combined Cycle System

211.1316 Combustion Turbine

211.1320 Commence Commercial Operation

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211.1324	Commence Operation	
211.1328	Common Stack	
211.1330	Complete Combustion	
211.1350	Component	
211.1370	Concrete Curing Compounds	
211.1390	Concentrated Nitric Acid Manufacturing Process	
211.1410	Condensate	
211.1430	Condensable PM-10	
211.1465	Continuous Automatic Stoking	
211.1467	Continuous Coater	
211.1470	Continuous Process	
211.1490	Control Device	
211.1510	Control Device Efficiency	
211.1515	Control Period	
211.1520	Conventional Air Spray	
211.1530	Conventional Soybean Crushing Source	
211.1550	Conveyorized Degreasing	
211.1570	Crude Oil	
211.1590	Crude Oil Gathering	
211.1610	Crushing	
211.1630	Custody Transfer	
211.1650	Cutback Asphalt	
211.1670	Daily-Weighted Average VOM Content	
211.1690	Day	
211.1710	Degreaser	
211.1730	Delivery Vessel	
211.1750	Dip Coating	
211.1770	Distillate Fuel Oil	
211.1780	Distillation Unit	
211.1790	Drum	
211.1810	Dry Cleaning Operation or Dry Cleaning Facility	
211.1830	Dump-Pit Area	
211.1850	Effective Grate Area	
211.1870	Effluent Water Separator	
211.1875	Elastomeric Materials	
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding Coatings	
211.1885	Electronic Component	
211.1890	Electrostatic Bell or Disc Spray	
211.1900	Electrostatic Prep Coat	
211.1910	Electrostatic Spray	
211.1920	Emergency or Standby Unit	
211.1930	Emission Rate	
211.1950	Emission Unit	
211.1970	Enamel	
211.1990	Enclose	
211.2010	End Sealing Compound Coat	
211.2030	Enhanced Under-the-Cup Fill	

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211.2050	Ethanol Blend Gasoline	
211.2070	Excess Air	
211.2080	Excess Emissions	
211.2090	Excessive Release	
211.2110	Existing Grain-Drying Operation (Repealed)	
211.2130	Existing Grain-Handling Operation (Repealed)	
211.2150	Exterior Base Coat	
211.2170	Exterior End Coat	
211.2190	External Floating Roof	
211.2210	Extreme Performance Coating	
211.2230	Fabric Coating	
211.2250	Fabric Coating Line	
211.2270	Federally Enforceable Limitations and Conditions	
211.2285	Feed Mill	
211.2290	Fermentation Time	
211.2300	Fill	
211.2310	Final Repair Coat	
211.2330	Firebox	
211.2350	Fixed-Roof Tank	
211.2360	Flexible Coating	
211.2365	Flexible Operating Unit	
211.2370	Flexographic Printing	
211.2390	Flexographic Printing Line	
211.2410	Floating Roof	
211.2420	Fossil Fuel	
211.2425	Fossil Fuel-Fired	
211.2430	Fountain Solution	
211.2450	Freeboard Height	
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source	
211.2490	Fugitive Particulate Matter	
211.2510	Full Operating Flowrate	
211.2530	Gas Service	
211.2550	Gas/Gas Method	
211.2570	Gasoline	
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility	
211.2620	Generator	
211.2610	Gel Coat	
211.2630	Gloss Reducers	
211.2650	Grain	
211.2670	Grain-Drying Operation	
211.2690	Grain-Handling and Conditioning Operation	
211.2710	Grain-Handling Operation	
211.2730	Green-Tire Spraying	
211.2750	Green Tires	
211.2770	Gross Heating Value	
211.2790	Gross Vehicle Weight Rating	
211.2810	Heated Airless Spray	
211.2815	Heat Input	

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211.2820	Heat Input Rate
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section

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211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3980	Nameplate Capacity
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail

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211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate

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211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent

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211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6360	Stationary Gas Turbine
211.6370	Stationary Reciprocating Internal Combustion Engine
211.6390	Stationary Source
211.6400	Stationary Storage Tank
211.6410	Stencil Coat
211.6420	Storage Tank or Storage Vessel
211.6430	Strippable Spray Booth Coating
211.6450	Styrene Devolatilizer Unit
211.6470	Styrene Recovery Unit
211.6490	Submerged Loading Pipe
211.6510	Substrate
211.6530	Sulfuric Acid Mist
211.6540	Surface Condenser
211.6550	Surface Preparation Materials
211.6570	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6580	Tablet Coating Operation
211.6590	Texture Coat
211.6610	Thirty-Day Rolling Average
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can

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211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act (415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14,

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1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-09 at 25 Ill. Reg. 108, effective ^{11/1/98} ~~11/1/97~~ ^{7/1/99}.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 211.102 Abbreviations and Conversion Factors

a) Abbreviations used in this part include the following:

ASTM	American Society for Testing and Materials
bbl	barrels (42 gallons)
btu	British thermal units (60° F)
btu/hr	btu per hour

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° C	degrees Celsius or Centigrade
CAAPP	Clean Air Act Permit Program
cm	centimeters
cu in	cubic inches
EGU	Electrical Generating Unit
° F	degrees Fahrenheit
FIP	Federal Implementation Plan
ft	feet
ft(2)	square feet
ft(3)	cubic feet
g	grams
gpm	gallons per minute
g/mole	grams per mole
gal	gallons
hp	horsepower
hr	hours
in	inch
° K	degrees Kelvin
kcal	kilocalories
Kg	kilograms
kg/hr	kilograms per hour
KPa	kilopascals; one thousand newtons per square meter
kW	kilowatt
l	liters
l/sec	liters per second
lbs	pounds
lbs/day	pounds per day
lbs/hr	pounds per hour
lbs/gal	pounds per gallon
lbs/yr	pounds per year
LEL	lower explosive limit
m	meters
m(2)	square meters
m(3)	cubic meters
mg	milligrams
Mg	Megagrams, metric tons or tonnes
ml	milliliters
min	minutes
MJ	megajoules
mmbtu	million British thermal units
mmbtu/hr	million British thermal units per hour
mmHg	millimeters of mercury
MTE	maximum theoretical emissions
MWe	megawatt of electricity
MW	megawatt; one million watts
MW-hr	megawatt per hour
NDO	natural draft opening

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NO[x] NOx	nitrogen oxides
ppm	potential electrical output capacity
ppm(vol)	parts per million
ppmv	parts per million by volume
ppmvd	parts per million by volume dry
psi	pounds per square inch
psia	pounds per square inch absolute
psig	pounds per square inch gauge
PTE	potential to emit
RACT	reasonably available control technology
scf	standard cubic feet
scm	standard cubic meters
sec	seconds
SIP	State Implementation Plan
TTE	temporary total enclosure
sq cm	square centimeters
sq in	square inches
T	short ton (2,000 lbs)
ton	short ton (2,000 lbs)
TPY	tons per year
USEPA	United States Environmental Protection Agency
VOC	volatile organic compounds
VOL	volatile organic liquids
VOM	volatile organic materials

b) The following conversion factors have been used in this part:

English Metric

1 gal	3.785 l
1,000 gal	3,785 l or 3.785 m(3)
1 psia	6.897KPA(51.71 mmHg)
2,205 lbs	1 kg
32° F	0° C(273.15° K)
1 bbl	159.0 l
1 cu in	16.39 ml
1 lb/gal	119,800 mg/l
1 lb/mmBtu	1.548 kg/MW-hr
1 lb/T	0.500 kg/Mg
1 ton	0.907 Mg
1 T	0.907 Mg
mmBtu/hr	0.293 MW

(Source: Amended at 25 Ill. Reg. 108, effective 1/1/77)

SUBPART B: DEFINITIONS

Section 211.479 Allowance

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"Allowance" means an authorization to emit up to one ton of NO[x] during the control period of a specified year or any year thereafter under 35 Ill. Adm. Code 217 and 40 CFR 96.

(Source: Added at 25 Ill. Reg. 108, effective 1/1/77)

Section 211.1312 Combined Cycle System

"Combined Cycle System" means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

(Source: Added at 25 Ill. Reg. 108, effective 1/1/77)

Section 211.1316 Combustion Turbine

"Combustion Turbine" means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flame gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

(Source: Added at 25 Ill. Reg. 108, effective 1/1/77)

Section 211.1320 Commence Commercial Operation

For purposes of allocation of allowances as described in 35 Ill. Adm. Code 217, "commence commercial operation" means, with regard to an EGU that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Such date shall remain the unit's date of commencement of operation even if the EGU is subsequently modified, reconstructed or repowered.

(Source: Added at 25 Ill. Reg. 108, effective 1/1/77)

Section 211.1324 Commence Operation

For purposes of allocation of allowances as described in 35 Ill. Adm. Code 217, "commence operation" means with regard to a stationary boiler, combustion turbine, or combined cycle system to have begun any mechanical, chemical, or electronic process, including, start-up of the unit's combustion chamber. Such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered.

(Source: Added at 25 Ill. Reg. 108, effective 1/1/77)

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Section 211.1328 Common Stack

"Common stack" means a single flue through which emissions from two or more units are exhausted.

(Source: Added at 25 Ill. Reg. 1.13, effective

Section 211.1515 Control Period

For purposes of 35 Ill. Adm. Code 217, "control period" means the period beginning May 1 of a year and ending on September 30 of the same year, inclusive, except that in 2004, "control period" means May 31 through September 30.

(Source: Added at 25 Ill. Reg. 1.15, effective

Section 211.2080 Excess Emissions

"Excess emissions" means any tonnage of NO[x] emitted by a NO[x] budget unit during a control period that exceeds the NO[x] allowances available for compliance deduction for the unit and for a control period.

(Source: Added at 25 Ill. Reg. 1.20, effective

Section 211.2420 Fossil Fuel

"Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

(Source: Added at 25 Ill. Reg. 1.24, effective

Section 211.2425 Fossil Fuel-Fired

"Fossil fuel-fired" means the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises or is projected to comprise more than 50 percent of the annual heat input on a btu basis during any year.

(Source: Added at 25 Ill. Reg. 1.24, effective

Section 211.2620 Generator

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"Generator" means a device that produces electricity.

(Source: Added at 25 Ill. Reg. 1.26, effective

Section 211.2815 Heat Input

"Heat input" means the product of the gross heating value of the fuel and the amount of fuel combusted in a combustion device. Heat input does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(Source: Added at 25 Ill. Reg. 1.28, effective

Section 211.2820 Heat Input Rate

"Heat input rate" means the amount of heat input used by a combustion device, divided by its operating time (in hrs).

(Source: Added at 25 Ill. Reg. 1.28, effective

Section 211.3980 Nameplate Capacity

"Nameplate capacity" means the maximum electrical generating output (in Mwe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

(Source: Added at 25 Ill. Reg. 1.39, effective

Section 211.4960 Potential Electrical Output Capacity

"Potential electrical output capacity" means the Mwe capacity rating for the units which shall be equal to 33% of the maximum design heat input capacity of the steam generating unit.

(Source: Added at 25 Ill. Reg. 1.49, effective

Section 211.5580 Repowering

For purposes of 35 Ill. Adm. Code 217, Subpart W, "repowering" means the conversion or replacement of an existing budget EGU, as identified in Appendix F, with a technology capable of controlling NO[x] and other combustion emissions simultaneously with improved boiler or generation efficiency and with

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waste reduction, or any other replacement generation technology as determined by the Illinois Environmental Protection Agency. Repowering shall be considered a control technology for purposes of 35 Ill. Adm. Code 217.

(Source: Added at 25 Ill. Reg. 113, effective 11/1/99)

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1) Heading of the Part: Nitrogen Oxides Emissions

2) Code Citation: 35 Ill. Adm. Code 217

Section Numbers:	Proposed Action:
217.100	Amended
217.101	Amended
217.102	Amended
217.104	Amended
217.750	New
217.752	New
217.754	New
217.756	New
217.758	New
217.760	New
217.762	New
217.764	New
217.768	New
217.770	New
217.772	New
217.774	New
217.776	New
217.778	New
217.780	New
217.782	New
APPENDIX D	New
APPENDIX F	New

4) Statutory Authority: Implementing Sections 9, 9.1, 9.9, and 10 and authorized by Sections 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27, and 28.5]

5) Effective Date of Amendments: December 26, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? Yes, the phenol disulfonic acid method as published in 40 CFR 60, Appendix A, Method 7 (1999); 40 CFR 96, subpart B, D, G and H (1999); 40 CFR 96.1 through 96.3, 96.5 through 96.7, 96.50 through 96.54, 96.55(a) and (b), 96.56 and 96.57 (1999); and 40 CFR 72, 75, and 76 (1999)

8) A copy of the adopted amendment, including the material incorporated by reference, is on file in the Board's office at 100 W. Randolph, Suite 11-500, Chicago, Illinois, and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: August 4, 2000, 24 Ill. Reg. 11493

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- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In the Table of Contents, the following changes should be made:
- a) Section 217.762, deleted the quotation marks.
 - b) Section 217.764, added "Budget" before "EGUs".
 - c) Section 217.774, changed "Opt-in" to "Opt-In".
 - d) Section 217.776, changed "Opt-in" to "Opt-In".
 - e) Section 217.778, changed "Opt-in" to "Opt-In".
 - f) Section 217.778, deleted the word "the".
 - g) Section 217.780, changed "Opt-in" to "Opt-In".
 - h) Section 217.782, changed "Opt-in" to "Opt-In".
 - i) APPENDIX A through APPENDIX F, changed "Appendix" to "APPENDIX".
 - j) AUTHORITY:, changed "Section 27" to "Sections 27 and 28.5".
 - k) AUTHORITY:, "5B415 ILCS 5/9.9, 10 and 27.5D" to "[415 ILCS 5/9.9, 10, 27, and 28.5.]".
 - l) AUTHORITY:, delete the period after "5" and add a period at the end.
 - m) SOURCE:, omitted duplicate "Ill. Reg. ____".
- In Section 217.101, deleted "and".
 - In Section 217.101, deleted the period after "(1999)" and added " and".
 - In Section 217.101, added "(c) Determination of Nitrogen Oxide: Emissions from Stationary Sources (Instrumental Analyzer Procedure). 40 CFR 60, Appendix A, Method 7E (1999)".
 - In Section 217.104, changed "Subparts" to "subparts".
 - In Section 217.750, added after the word year " , except that in 2004, "control period" means May 31 through September 30".
 - In Section 217.750, deleted the period after "Act".
 - In Section 217.754, deleted "(50%)".
 - In Section 217.754, added "(c)" after "subsection".
 - In Section 217.754, before "subsection (c)" added "this".
 - In Section 217.754, deleted "of this Section".
 - In Section 217.754, added a comma after "or".
 - In Section 217.754, deleted the period after the semicolon.
 - In Section 217.754, added a comma after "(mmbtu)".
 - In Section 217.754, added "(c)" after "subsection".
 - In Section 217.754, added a comma after "years".
 - In Section 217.754, changed "opt-into" to "opt-in to".
 - In Section 217.756, deleted the comma after "(b)" and added "and".
 - In Section 217.756, changed "Subpart" to "subpart".
 - In Section 217.756, changed "Subpart" to "subpart".
 - In Section 217.756, changed "Subpart" to "subpart".

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- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, changed "May 1, 2003" to "May 31, 2004".
- In Section 217.756, changed "[63 Fed. Reg. 57355 (October 27, 1998)]" to "(63 Fed. Reg. 57355 (October 27, 1998))".
- In Section 217.756, changed "Subparts" to "subparts".
- In Section 217.756, before the period add "5B415 ILCS 5/9.9(f)5D".
- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, added after "program" "or with the requirements of this Subpart".
- In Section 217.756, changed "part" to "CFR".
- In Section 217.756, changed "Subparts" to "subparts".
- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, deleted "Excess emissions requirements".
- In Section 217.756, deleted ":".
- In Section 217.756, replaced "A) Surrender" with "surrender".
- In Section 217.756, replaced " ; and" with a period.
- In Section 217.756, added "6)" and deleted "B)"; replaced "Pay" with "The owner or operator of a budget EGU that has excess emissions in any control period shall pay".
- In Section 217.756, replaced "40 CFR 96.4(b)" with "Section 217.754(c) of this Subpart".
- In Section 217.758, changed "Subpart" to "subpart".
- In Section 217.758, changed "2002" to "2003".
- In Section 217.758, changed "2002" to "2003".
- In Section 217.758, changed "2002" to "2003".
- In Section 217.758, changed "2002" to "2003".
- In Section 217.758, changed "2002" to "2003".
- In Section 217.758, after "explanation" added "of".
- In Section 217.758, added hard return and "3) An application for a budget permit shall be treated as a modification of the EGU's existing federally enforceable permit, if such a permit has been issued for that EGU, and shall be subject to the same procedural requirements. When the Agency issues a budget permit, it shall be incorporated into and become part of that EGU's existing federally enforceable permit".
- In Section 217.760, changed "2003" to "2004".
- In Section 217.760, changed "2005" to "2006".
- In Section 217.760, changed "2006" to "2007".
- In Section 217.760, changed "may" to "must".
- In Section 217.760, changed "pro-rata" to "pro rata".
- In Section 217.762, deleted the quotation marks.
- In Section 217.762, after "(b)" added "(1)".

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In Section 217.762, changed "where" to "Where:".

In Section 217.764, changed "three-percent (3%)" to "3%".

In Section 217.764, added "Budget" before "EGUs".

In Section 217.764, after "Section" added "and Section 217.768 of this Part for new sources".

In Section 217.764, changed "Specifically," to "Specifically:".

In Section 217.764, deleted "2003,".

In Section 217.764, deleted "and".

In Section 217.764, after "2005" added ", and 2006".

In Section 217.764, changed "2006" to "2007".

In Section 217.764, deleted the comma after "Part".

In Section 217.764, changed "2002" to "2003".

In Section 217.764, changed "Equation 1 as follows:" to "the following equation:".

In Section 217.764, deleted the comma after "2003".

In Section 217.764, deleted "Eq. 1:".

In Section 217.764, changed "pro-rate" to "prorate".

In Section 217.764, after "EGUs" added "that commenced commercial operation after May 1, 2003, and".

In Section 217.764, changed "2002" to "2003".

In Section 217.764, changed "2003" to "2004".

In Section 217.764, changed "2006" to "2007".

In Section 217.764, changed "2007" to "2008".

In Section 217.764, deleted the comma after "Part".

In Section 217.764, changed "2003" to "2004".

In Section 217.764, changed "Equation 1 as follows:" to "the following equation:".

In Section 217.764, deleted "Eq. 1:".

In Section 217.764, changed "mmbtu" to "mmbtu".

In Section 217.764, before "217.762(a)(2)" added "Section".

In Section 217.764, before "the" added "if".

In Section 217.764, changed "pro-rate" to "prorate".

In Section 217.764, changed "6, 017" to "6,017".

In Section 217.764, changed "Part" to "Section".

In Section 217.764, after "EGUs" added "that commenced commercial operation after May 1, 2004, and".

In Section 217.764, changed "2003" to "2004".

In Section 217.764, changed "2004" to "2005".

In Section 217.764, changed "2007" to "2008".

In Section 217.764, changed "2008" to "2009".

In Section 217.764, changed "Part," to "Part".

In Section 217.764, changed "2004" to "2005".

In Section 217.764, changed "Equation 1 as follows:" to "the following equation:".

In Section 217.764, deleted "Eq. 1:".

In Section 217.764, deleted the comma after "2004".

In Section 217.764, after "Section," added "if".

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In Section 217.764, changed "pro-rate" to "prorate".

In Section 217.764, after "EGUs" added "that commenced commercial operation after May 1, 2005, and".

In Section 217.764, changed "2004" to "2005".

In Section 217.764, changed "2008" to "2009".

In Section 217.764, after "subsection" added "(d)".

In Section 217.764, changed "2005" to "2006".

In Section 217.764, changed "2008" to "2009".

In Section 217.764, changed "2009" to "2010".

In Section 217.764, changed "Part," to "Part".

In Section 217.764, deleted the comma after "2005".

In Section 217.764, changed "2005" to "2006".

In Section 217.764, changed "Equation 1 as follows:" to "the following equation:".

In Section 217.764, deleted "Eq. 1:".

In Section 217.764, changed "Sections" to "Section".

In Section 217.764, after the comma added "if".

In Section 217.764, changed "pro-rate" to "prorate".

In Section 217.764, after "EGUs" added "that commenced commercial operation after May 1, 2006, and".

In Section 217.764, changed "2005" to "2006".

In Section 217.764, changed "2009" to "2010".

In Section 217.764, after "subsection" added "(e)".

In Section 217.764, changed "2006" to "2007".

In Section 217.764, changed "2009" to "2010".

In Section 217.764, changed "2010" to "2011".

In Section 217.764, changed "thereafter," to "thereafter:".

In Section 217.764, added a double return, inserted "l)", changed "the" to "The".

In Section 217.764, changed "1" to "A".

In Section 217.764, replaced "; and" with a period.

In Section 217.764, deleted the comma after "2006".

In Section 217.764, changed "2" to "B".

In Section 217.764, changed "3" to "2".

In Section 217.764, after "EGUs" added "that commenced commercial operation after the control period four years prior to the year in which allocations are made and".

In Section 217.764, changed "4" to "3".

In Section 217.764, changed "2010" to "2011".

In Section 217.764, changed "subsection" to "subsection (f)".

In Section 217.764, changed "5" to "4".

In Section 217.768, changed "three-percent (3%)" to "3%".

In Section 217.768, deleted "2003,".

In Section 217.768, deleted "and".

In Section 217.768, after "2005," added "and 2006,".

In Section 217.768, changed "2006" to "2007".

In Section 217.768, deleted "2003,".

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In Section 217.768, deleted "and".
 In Section 217.768, after "2005," added "and 2006,".
 In Section 217.768, changed "2006" to "2007".
 In Section 217.768, after "subject" added "to".
 In Section 217.768, changed "2008" to "2009".
 In Section 217.768, changed "new-source" to "new source".
 In Section 217.768, changed "five percent (5%)" to "5%".
 In Section 217.768, changed "two percent (2%)" to "2%".
 In Section 217.768, deleted after "EGU" "of the".
 In Section 217.768, changed "EGU" to "EGUs".
 In Section 217.768, after the word "have" added "commenced commercial operation but have".
 In Section 217.768, deleted "more than".
 In Section 217.768, replaced "half of a full" with "at least 77 days of the".
 In Section 217.768, changed "2006" to "2007".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2003," to "2004".
 In Section 217.768, added "have" after "that".
 In Section 217.768, changed "commence" to "commenced".
 In Section 217.768, after "operation" added "but have operated".
 In Section 217.768, deleted "less".
 In Section 217.768, changed "than one-half" to "76 or fewer days".
 In Section 217.768, changed "2002" to "2003".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, deleted "2003,".
 In Section 217.768, deleted "and".
 In Section 217.768, after "2005," added "and 2006,".
 In Section 217.768, deleted the comma after "Section".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2002" to "2003".
 In Section 217.768, changed "2002" to "2003".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2006" to "2007".
 In Section 217.768, changed "2006" to "2007".
 In Section 217.768, changed "2002" to "2003".
 In Section 217.768, changed "180650," to "180650".
 In Section 217.770, changed "2001 or 2002" to "2001, 2002, or 2003".
 In Section 217.770, changed "2003 and/or" to "the".
 In Section 217.770, changed "2004" to "2004 control period, or later control periods authorized by USEPA".
 In Section 217.770, changed "Subpart" to "subpart".
 In Section 217.770, after "requested," inserted "For example, if ERCs are requested for reductions made in the 2001 control period, the budget EGU must have implemented the applicable monitoring for the

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2000 control period.".
 In Section 217.770, changed "80" to "90".
 In Section 217.770, changed "Subpart" to "subpart". In Section 217.770, deleted ":".
 In Section 217.770, changed "permit; or" to "permit."
 In Section 217.770, changed "percent" to "%".
 In Section 217.770, added a comma after "2001".
 In Section 217.770, deleted "and".
 In Section 217.770, after "2002" added ", and 2003,".
 In Section 217.770, deleted "such".
 In Section 217.770, deleted "or".
 In Section 217.770, changed "period." to "period; and", added double return "C) November 1, 2003, for reductions made in the 2003 control period."
 In Section 217.770, replaced "1, 2003" with "31, 2004".
 In Section 217.770, after the word "submitted" added "in accordance with any rulemaking or guidance by USEPA on the distribution of the Compliance Supplement Pool under the NOx SIP Call (63 Fed. Reg. 57356)".
 In Section 217.770, deleted "by November 1 of the year two years before the implementation date for the reductions made in the control period two years before the implementation date, and by November 1 of the year preceding the implementation date for the reductions made in the control period preceding the implementation date. Should this occur, the other dates in this Section shall be adjusted accordingly."
 In Section 217.770, changed "two" to "three".
 In Section 217.770, replaced "Not" with "If USEPA has approved this Subpart as a SIP revision, not".
 In Section 217.770, changed "7,630" to "one-half of the total".
 In Section 217.770, deleted "and".
 In Section 217.770, replaced "At least 7,631" with "Not more than one-half of the total".
 In Section 217.770, deleted ", plus any ERC allowances".
 In Section 217.770, deleted "not allocated pursuant to subsection (f)(2)(A) of this Section,".
 In Section 217.770, changed "2002." to "2002; and", inserted a new line "C) Any ERC allowances not allocated pursuant to subsections (f)(2)(A) or (B) of this Section, for reductions made in the control period in 2003.".
 In Section 217.770, changed "2001" to "2003".
 In Section 217.770, added "the" after "in".
 In Section 217.770, changed "2001" to "2003".
 In Section 217.770, changed "(e)" to "(f)".
 In Section 217.770, replaced "basis; and" with "basis."
 In Section 217.770, deleted entire line.
 In Section 217.770, deleted entire line.
 In Section 217.770, deleted entire line.

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In Section 217.770, changed "May" to "March".
 In Section 217.770, deleted "and".
 In Section 217.770, changed "May" to "March".
 In Section 217.770, changed "subsections" to "subsection".
 In Section 217.770, deleted ".and added "; and"; added a double return and "3) By March 1, 2004, for ERCs requested for and earned in the 2003 control period.".
 In Section 217.770, changed "2003" to "2004".
 In Section 217.770, changed "Section;" to "Section.".
 In Section 217.770, changed "periods" to "period".
 In Section 217.770, deleted "2003 or".
 In Section 217.770, after "2004" added "or such additional control periods as may be specified by USEPA".
 In Section 217.770, changed "2003 or 2004; and" to "2004.".
 In Section 217.774, changed "Opt-in" to "Opt-In".
 In Section 217.774, deleted "or".
 In Section 217.774, after "system" added ", cement kiln or stationary internal combustion engine".
 In Section 217.774, deleted "or, for a unit that does not vent all of its emissions to a stack, obtains a permit with federally enforceable conditions specifying the applicable conditions for participation in the NOx Trading Program".
 In Section 217.774, deleted "and". In Section 217.774, changed "part," to "Part; and".
 In Section 217.774, added 2 hard returns and "6) Is not located at a source listed in Appendix D of this Part.".
 In Section 217.774, changed "Account Representative" to "account representative".
 In Section 217.774, changed "Subpart" to "subpart".
 In Section 217.776, changed "Subpart" to "subpart".
 In Section 217.776, changed "Subpart" to "subpart".
 In Section 217.776, changed "Subpart" to "subpart".
 In Section 217.776, changed "80" to "90".
 In Section 217.776, changed percent "percent" to "2%".
 In Section 217.776, changed "Opt-in" to "Opt-In".
 In Section 217.776, deleted "before".
 In Section 217.776, added a hard return after "withdrawal.", inserted "1) before "before".
 In Section 217.776, changed "1" to "A".
 In Section 217.776, changed "2" to "B".
 In Section 217.776, changed "3" to "2".
 In Section 217.778, changed "subsections" to "subsection".
 In Section 217.778, deleted "and (b)(2)".
 In Section 217.778, replaced "the control" with "the same or earlier control".

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In Section 217.778, changed "Notification:" to "Notification.".
 In Section 217.778, changed "withdraw" to "withdrawn".
 In Section 217.778, deleted underlining.
 In Section 217.780, changed "Opt-in" to Opt-In".
 In Section 217.780, changed "of" to "after".
 In Section 217.780, after "and" added "is".
 In Section 217.780, changed "permit," to "permit".
 In Section 217.780, changed "USEPA's" to "USEPA".
 In Section 217.780, deleted one space between the word "unit" and the parenthesis.
 In Section 217.780, changed "Section under" to "Section or under".
 In Section 217.782, changed "Subpart" to "subpart".
 In Section 217.782, replaced "opt-in for" with "opt-in unit for".
 In Section 217.782, deleted "the control period in".
 In Section 217.782, deleted "prior to the year".
 In Section 217.782, changed "217.778" to "217.776".
 In Section 217.782, changed "Allowances" to "Allowance Allocations" to "Allowances".
 In Section 217.782, changed "For" to "for".
 In Section 217.782, in column 7 changed "2003, 2004, 2005" to "2004, 2005, 2006"; in column 8 changed "2006, 2007" to "2007, 2008"; in column 9 changed "2008, 2009" to "2009, 2010".
 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
 13) Will this amendment replace an emergency amendment currently in effect? No
 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
217.104	Amendment	24 Ill. Reg. 13579, September 8, 2000
217.600	New Section	24 Ill. Reg. 13579, September 8, 2000
217.602	New Section	24 Ill. Reg. 13579, September 8, 2000
217.604	New Section	24 Ill. Reg. 13579, September 8, 2000
217.606	New Section	24 Ill. Reg. 13579, September 8, 2000
217.608	New Section	24 Ill. Reg. 13579, September 8, 2000
217.610	New Section	24 Ill. Reg. 13579, September 8, 2000
217.650	New Section	24 Ill. Reg. 16467, November 13, 2000
217.652	New Section	24 Ill. Reg. 16467, November 13, 2000
217.654	New Section	24 Ill. Reg. 16467, November 13, 2000
217.656	New Section	24 Ill. Reg. 16467, November 13, 2000
217.658	New Section	24 Ill. Reg. 16467, November 13, 2000
217.660	New Section	24 Ill. Reg. 16467, November 13, 2000
217.662	New Section	24 Ill. Reg. 16467, November 13, 2000

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217.664	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.666	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.668	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.670	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.672	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.674	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.676	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.678	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.680	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.682	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.800	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.805	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.810	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.815	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.820	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.825	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.830	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.835	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.840	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.845	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.850	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.855	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.860	New Section	24 Ill. Reg. 16467,	November 13, 2000
217.865	New Section	24 Ill. Reg. 16467,	November 13, 2000
Appendix E	New Section	24 Ill. Reg. 16467,	November 13, 2000

- 15) Summary and Purpose of the Amendment: A complete description of this Section 28.5 fast-track rulemaking is included in the Board's December 21, 2000 opinion and order in docket R01-9, which is available from the address below. Specifically, the rule implements a nitrogen oxide (NOx) emissions trading program for large fossil fuel electrical generating units. The United States Environmental Protection Agency has ordered Illinois, and 21 other states, to reduce their NOx emissions. This rule implements the program to reduce the NOx emissions in Illinois.

- 16) Information and questions regarding this adopted amendment may be directed to:

Catherine Glenn
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph St.
 Suite 11-500
 Chicago IL 60601
 (312) 814-6923

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the above address. Please refer to the Docket number

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R01-9 in your request, or download from the Board's Web site at www.ipcb.state.il.us.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
 FOR STATIONARY SOURCES

PART 217

NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

Section
 217.100 Scope and Organization
 217.101 Measurement Methods
 217.102 Abbreviations and Units
 217.103 Definitions
 217.104 Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section
 217.121 New Emission Sources

SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

Section
 217.141 Existing Emission Sources in Major Metropolitan Areas

SUBPART K: PROCESS EMISSION SOURCES

Section
 217.301 Industrial Processes

SUBPART O: CHEMICAL MANUFACTURE

Section
 217.381 Nitric Acid Manufacturing Processes

SUBPART V: ELECTRIC POWER GENERATION

Section
 217.521 Lake of Egypt Power Plant

SUBPART W: NO[x] TRADING PROGRAM FOR ELECTRICAL GENERATING UNITS

Section
 217.750 Purpose

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217.752 Severability
 217.754 Applicability
 217.756 Compliance Requirements
 217.758 Permitting Requirements
 217.760 NO[x] Trading Budget
 217.762 Methodology for Calculating NO[x] Allocations for Budget electrical Generating Units (EGUs)
 217.764 NO[x] Allocations for Budget EGUs
 217.768 New Source Set-Asides for "New" Budget EGUs
 217.770 Early Reduction Credits for Budget EGUs
 217.774 Opt-In Units
 217.776 Opt-In Process
 217.778 Budget Opt-In Units: Withdrawal from NO[x] Trading Program
 217.780 Opt-In Units: Change in Regulatory Status
 217.782 Allowance Allocations to Budget Opt-In Units

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

APPENDIX C Compliance Dates

APPENDIX D Non-Electrical Generating Units

APPENDIX E Allowances for Electrical Generating Units

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27, and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 100, effective

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 217.100 Scope and Organization

- a) This Part sets standards and limitations for emission of oxides of nitrogen from stationary sources.
- b) Permits for sources subject to this Part may be required pursuant to 35 Ill. Adm. Code 201.
- c) Notwithstanding the provisions of this Part the air quality standards contained in 35 Ill. Adm. Code 243 may not be violated.
- d) ~~This Part is divided into Subparts which are grouped as follows:~~
~~1) Subpart A: General Provisions;~~

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- 2) Subparts-B-J:--Fuel-Combustion-Sources-and-Incinerators;
 3) Subparts-K-M:--Process-Emission-Sources;
 4) Subparts-N-End:--Industry-and-Site-Specific-Rules-
 d) These rules have been grouped for convenience of the public; the scope of each is determined by its language and history.

(Source: Amended at 25 Ill. Reg. 206, effective

Section 217.101 Measurement Methods

Measurement of nitrogen oxides shall be according to:

- a) The the phenol disulfonic acid method as published in 40 CFR 60, Appendix A, 36-Fed-Reg-15,718, Method 7 (1999);
 b) Continuous emissions monitoring pursuant to 40 CFR 75 (1999); and
 c) Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure), 40 CFR 60, Appendix A, Method 7E (1999).

(Source: Amended at 25 Ill. Reg. 206, effective

Section 217.102 Abbreviations and Units

- a) The following abbreviations are used in this Part:

btu	British thermal unit (60° F)
EGU	Electrical Generating Unit
kg	kilogram
kg/MW-hr	kilograms per megawatt-hour, usually used as an hourly emission rate
lb	pound
lbs/mmbtu	Nitrogen Oxides
Mg	pounds per million btu, usually used as an hourly emission rate
mmbtu	megagram or metric tonne
mmbtu/hr	million British thermal units
MWe	million British thermal units per hour
MW	megawatt of electricity
MW-hr	megawatt; one million watts
peoc	megawatt-hour
ppm	potential electrical output capacity
ppmv	parts per million
T	parts per million by volume
	English ton

- b) The following conversion factors have been used in this Part:

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English	Metric
2,205 lb	1 kg
1 T	0.907 Mg
1 lb/T	0.500 kg/Mg
mmbtu/hr	0.293 MW
1 lb/mmbtu	1.548 kg/MW-hr
(Source: Amended at 25 Ill. Reg. 206, effective	

Section 217.104 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) The the phenol disulfonic acid method, as published in 40 CFR 60, Appendix A, 36-Fed-Reg-15,718, Method 7 (1999);
 b) 40 CFR 96, subparts B, D, G and H (1999);
 c) 40 CFR 96.1 through 96.3, 96.5 through 96.7, 96.50 through 96.54, 96.55(a) & (b), 96.56 and 96.57 (1999); and
 d) 40 CFR 72, 75 & 76 (1999).

(Source: Amended at 25 Ill. Reg. 206, effective

SUBPART W: NO[X] TRADING PROGRAM FOR ELECTRICAL

GENERATING UNITS

Section 217.750 Purpose

The purpose of this Subpart is to control the emissions of nitrogen oxides (NO[X]) during the ozone control period (May 1 through September 30 of each year, except that in 2004, "control period" means May 31 through September 30) from electrical generating units (EGUs) by determining source allocations and implementing the NO[X] Trading Program pursuant to 40 CFR 96, as authorized by Section 9.9 of the Act [415 ILCS 5/9.9].

(Source: Added at 25 Ill. Reg. 206, effective

Section 217.752 Severability

If any Section, subsection or clause of this Subpart is found invalid, such finding shall not affect the validity of this Subpart as a whole or any Section, sentence or clause not found invalid.

(Source: Added at 25 Ill. Reg. 206, effective

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Section 217.754 Applicability

a) The following fossil fuel-fired stationary boilers, combustion turbines or combined cycle systems are electrical generating units (EGUs) and are subject to this Subpart:

- 1) Any unit serving a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale, excluding those units listed in Appendix D of this Part.
- 2) Any unit with a maximum design heat input that is greater than 250 mmbtu/hr that commences operation on or after January 1, 1999, serving at any time a generator that has a nameplate capacity of 25 MWe or less and has the potential to use more than 50% of the potential electrical output capacity of the unit. Fifty percent of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the generator is greater than this calculated number, the unit is an EGU subject to the provisions of this Subpart.

b) Those units that meet the above criteria and are subject to the NO_x Trading Program emissions limitations contained in this Subpart are budget EGUs.

c) Low-emitter status: Notwithstanding subsection (a) of this Section, the owner or operator of a budget EGU under subsection (a) of this Section may elect low-emitter status by obtaining a permit with federally enforceable conditions meeting the requirements of subsection (c)(1) of this Section. Starting with the effective date of such permit, the EGU shall not be a budget EGU and shall be subject only to the requirements of this subsection (c).

1) For each control period under this subsection (c), the federally enforceable permit conditions must:

- A) Restrict the EGU to burning only natural gas, fuel oil, or natural gas and fuel oil;
- B) Limit the EGU's potential NO_x mass emissions for the control period to 25 tons or less;
- C) Restrict the EGU's operating hours during the control period to the number calculated by dividing 25 tons of potential NO_x mass emissions by the EGU's maximum potential hourly NO_x mass emissions;

D) Require that the EGU's potential NO_x mass emissions be calculated by using the monitoring provisions of 40 CFR 75 or, if the EGU does not rely on these monitoring provisions, by using the applicable default rate, as follows:

- i) Select the applicable default NO_x emission rate from one of the following: 0.7 lb/mmbtu for combustion turbines burning natural gas exclusively during the control period; 1.2 lbs/mmbtu for combustion turbines burning any fuel oil during the control period; 1.5 lbs/mmbtu for boilers burning natural gas exclusively

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Section 217.754 Applicability

during the control period; or 2 lbs/mmbtu for boilers burning any fuel oil during the control period.

ii) Multiply the default NO_x emission rate under subsection (c)(1)(D)(i) of this Section by the EGU's unit-specific maximum rated heat input (mmbtu), which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input. The owner or operator of the EGU may request in the permit application required by this subsection (c) that the Agency use a lower value for the EGU's maximum rated hourly heat input. The Agency may approve such lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative. The owner or operator must also demonstrate that such lower value is representative of the EGU's current capabilities because modifications have been made to the EGU that permanently limit the EGU's capacity.

E) Require that the owner or operator of the EGU retain for five years, at the source that includes the EGU, records demonstrating that the operating hours restriction, the fuel use restriction, and the other requirements of the permit related to these restrictions were met; and

F) Require that the owner or operator of the EGU report to the Agency the EGU's hours of operation (treating any partial hour of operation as a whole hour of operation), heat input, and fuel use by type during each control period. This report shall be submitted by November 1 of each year the EGU elects low-emitter status.

2) The Agency will notify USEPA in writing of each EGU electing low-emitter status pursuant to the requirements of subsection (c)(1) of this Section and when any of the following occurs:

A) The permit with federally enforceable conditions that includes the restrictions in subsection (c)(1) of this Section is issued by the Agency;

B) Such permit is revised to remove any such restriction;

C) Such permit includes any such restriction that is no longer applicable; or

D) The EGU does not comply with any such restriction.

3) The EGU shall become a budget EGU, subject to the requirements of this Subpart, if, for any control period under subsection (c) of this Section, the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section is removed from the EGU's permit or otherwise becomes no longer applicable, or the EGU does not comply with the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section. Such EGU shall be treated as commencing operation and,

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for a unit under subsection (a)(1) of this Section, commencing commercial operation, on September 30 of the year prior to the control period for which the fuel use restriction or the operating hours restriction is no longer applicable or during which the EGU does not comply with the fuel use restriction or the operating hours restriction.

- 4) The owner or operator of an EGU to which the Agency has ever allocated allowances may elect low-emitter status. In that case, the Agency will reduce the EGU trading budget by the number of allowances corresponding to the amount of NO[x] emissions the EGU is permitted to emit during the control period as set forth in the EGU's federally enforceable state operating permit.

- d) Notwithstanding the provisions in subsection (a) of this Section, sources may opt-in to the NO[x] Trading Program and will receive allowance allocations consistent with applicable requirements, if they meet the requirements for a budget opt-in unit pursuant to Sections 217.774 through 217.782 of this Part.

(Source: Added at 25 Ill. Reg. 193, effective DEC 26 2000)

Section 217.756 Compliance Requirements

All EGUs subject to the requirements of this Subpart must comply with the following:

- a) The requirements of this Subpart and 40 CFR 96 (excluding 40 CFR 96.4(b) and 96.55(c)), and excluding 40 CFR 96, Subparts C, E, and I) as incorporated by reference in Section 217.104 of this Part.

b) Permit requirements:

- 1) The owner or operator of each source with one or more budget EGUs at the source must apply for a permit issued by the Agency with federally enforceable conditions covering the NO[x] Trading Program ("budget permit") that complies with the requirements of Section 217.758 of this Part.

- 2) The owner or operator of each budget source and each budget EGU at the source must operate the budget EGU in compliance with such budget permit.

c) Monitoring requirements:

- 1) The owner or operator of each budget source and each budget EGU at the source must comply with the monitoring requirements of 40 CFR 96, subpart H. The account representative of each budget source and each budget EGU at the source must comply with those sections of the monitoring requirements of 40 CFR 96, subpart H, applicable to an account representative.

- 2) The compliance of each budget EGU with the budget emissions limitation under subsection (d) of this Section shall be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart H.

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d) NO[x] requirements:

- 1) By November 30 of each year, the allowance transfer deadline, the account representative of each budget source and each budget EGU at the source shall hold allowances available for compliance deductions under 40 CFR 96.54 in the budget EGU's compliance account or the source's overdraft account. The number of allowances held shall not be less than the budget EGU's total tons of NO[x] emissions for the control period, rounded to the nearest whole ton, as determined in accordance with 40 CFR 96, subpart H, plus any number necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down) under 40 CFR 96.42(e) for the control period.

- 2) Each ton of NO[x] emitted in excess of the number of NO[x] allowances held by the owner or operator for each budget EGU for each control period shall constitute a separate violation of this Part and the Act.

- 3) A budget EGU shall be subject to the monitoring and NO[x] requirements of subsections (c)(1) and (d)(1) of this Section starting on the later of May 31, 2004, the date on which the EGU commences or the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NO[x] SIP Call (63 Fed. Reg. 57355 (October 27, 1998)) that are located in USEPA Region V or that are contiguous to Illinois have adopted regulations to implement NO[x] Trading Programs and other required reductions of NO[x] emissions pursuant to the NO[x] SIP Call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final FIP for ozone promulgated by USEPA is effective [415 ILCS 5/9.9(f)].

- 4) Allowances shall be held in, deducted from, or transferred among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts F and G, and Sections 217.774 through 217.782 of this Part.

- 5) In order to comply with the requirements of subsection (d)(1) of this Section, an allowance may not be utilized for a control period in a year prior to the year for which the allowance is allocated.

- 6) An allowance allocated by the Agency or USEPA under the NO[x] Trading Program is a limited authorization to emit one ton of NO[x] in accordance with the NO[x] Trading Program. No provision of the NO[x] Trading Program, the budget permit application, the budget permit, or a retired unit exemption under 40 CFR 96.5, and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit this authorization.

- 7) An allowance allocated by the Agency or USEPA under the NO[x] Trading Program does not constitute a property right.

- 8) Upon recordation by USEPA under 40 CFR 96, subpart F or G, or

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Section 217.782 of this Part, every allocation, transfer, or deduction of an allowance to or from a budget EGU's compliance account or to or from the overdraft account of the budget source where the budget EGU is located is deemed to amend automatically, and become a part of, any budget permit of the budget EGU. This automatic amendment of the budget permit shall be deemed an operation of law and will not require any further review.

e) Recordkeeping and reporting requirements:

1) Unless otherwise provided, the owner or operator of the budget source and each budget EGU at the source shall keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency or USEPA.

A) The account certificate of representation of the account representative for the source and each budget EGU at the source, all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 40 CFR 96.13, provided that the certificate and documents must be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the account representative.

B) All emissions monitoring information, in accordance with 40 CFR 96, subpart H, provided that to the extent that 40 CFR 96, subpart H provides for a three-year period for recordkeeping, the three-year period shall apply.

C) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO[x] Trading Program or documents necessary to demonstrate compliance with the requirements of the NO[x] Trading Program or with the requirements of this Subpart.

D) Copies of all documents used to complete a budget permit application and any other submission under the NO[x] Trading Program.

2) The account representative of a budget source and each budget EGU at the source must submit to the Agency and USEPA the reports and compliance certifications required under the NO[x] Trading Program, including those under 40 CFR 96, subparts D and H, and Section 217.774 of this Part.

f) Liability:

1) No revision of a permit for a budget EGU shall excuse any violation of the requirements of the NO[x] Trading Program that occurs prior to the date that the revision to such budget permit takes effect.

2) Each budget source and each budget EGU shall meet the requirements of the NO[x] Trading Program.

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3) Any provision of the NO[x] Trading Program that applies to a budget source (including any provision applicable to the account representative of a budget source) shall also apply to the owner and operator of such budget source and to the owner and operator of each budget EGU at the source.

4) Any provision of the NO[x] Trading Program that applies to a budget EGU (including any provision applicable to the account representative of a budget EGU) shall also apply to the owner and operator of such budget EGU. Except with regard to the requirements applicable to budget EGUs with a common stack under 40 CFR 96, subpart H, the owner and operator and the account representative of one budget EGU shall not be liable for any violation by any other budget EGU of which they are not an owner or operator or the account representative.

5) The account representative of a budget EGU that has excess emissions in any control period shall surrender the allowances as required for deduction under 40 CFR 96.54(d)(1).

6) The owner or operator of a budget EGU that has excess emissions in any control period shall pay any fine, penalty, or assessment or comply with any other remedy imposed under 40 CFR 96.54(b)(3) and the Act.

g) Effect on other authorities. No provision of the NO[x] Trading Program, a budget permit application, a budget permit, a low-emitter exemption under Section 217.754(c) of this Subpart, or a retired unit exemption under 40 CFR 96.5 shall be construed as exempting or excluding the owner and operator and, to the extent applicable, the account representative of a budget source or budget EGU, from compliance with any other regulation promulgated under the CAA, the Act, an approved State implementation plan, or a federally enforceable permit.

(Source: Added EC 262000, 25 Ill. Reg. 128, effective

Section 217.758 Permitting Requirements

a) Budget permit requirements:

1) Each source with a budget EGU is required to submit a complete permit application addressing all applicable NO[x] Trading Program requirements for a permit meeting the requirements of this Section, applicable to each budget EGU at the source. Each budget permit (including any draft or proposed budget permit, if applicable) will contain elements required for a complete budget permit application under subsection (b)(2) of this Section.

2) Each budget permit (including a draft or proposed budget permit, if applicable) shall contain federally enforceable conditions addressing all applicable NO[x] Trading Program requirements and shall be a complete and segregable portion of the source's entire

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- permit under subsection (a)(1) of this Section.
- 3) No budget permit shall be issued, and no NO[x] allowance account shall be established for a budget EGU at a source, until the Agency and USEPA have received a complete account certificate of representation under 40 CFR 96, subpart B, for an account representative of the source and the budget EGU at the source.
 - 4) For budget EGUs that commenced operation before November 1, 2003, and for which a CAAPP permit is not required pursuant to Section 39.5 of the Act, the owner or operator of such unit must submit a budget permit application meeting the requirements of this Section on or before November 1, 2003.
 - 5) For budget EGUs that commenced operation before August 1, 2003, and for which a CAAPP permit is required pursuant to Section 39.5 of the Act, the owner or operator of such unit must submit a budget permit application meeting the requirements of this Section on or before August 1, 2003.
 - 6) For budget EGUs that are subject to Section 39.5 of the Act and that commence operation on or after August 1, 2003, and for budget EGUs not subject to Section 39.5 of the Act and that commence operation on or after November 1, 2003, the owner or operator of such units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act and 35 Ill. Adm. Code 201 and such applications must specify that they are applying for budget permits, and must address the budget permit application requirements of this Section.
 - b) Budget permit applications:
 - 1) Duty to apply. The owner or operator of any source with one or more budget EGUs shall submit to the Agency a complete budget permit application for the source under subsection (b)(2) of this Section by the applicable deadline in subsection (a)(4), (a)(5), or (a)(6) of this Section. The owner or operator of any source with one or more budget EGUs shall reapply for a budget permit for the source as required by this Subpart, 35 Ill. Adm. Code 201, and Sections 39 and 39.5 of the Act.
 - 2) Information requirements for budget permit applications. A complete budget permit application shall include the following elements concerning the source for which the application is submitted:
 - A) Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration shall also be included, if applicable.
 - B) Identification of each budget EGU at the source. An explanation of whether each EGU is a budget EGU under Section 217.754 or 217.774 of this Part.
 - C) The compliance requirements of Section 217.756 of this Part; and

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- D) For each opt-in unit at the source the following certification statements by the account representative:
- i) I certify that each unit for which this permit application is submitted under Section 217.774 of this Part is not a budget EGU under Section 217.754 of this Part and is not covered by a retired unit exemption that is in effect under 40 CFR 96.5."
 - ii) If the application is for an initial budget permit, "I certify that each unit for which this permit application is submitted under Section 217.774 of this Part, and has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under Section 217.774(d) of this Part."
 - 3) An application for a budget permit shall be treated as a modification of the EGU's existing federally enforceable permit, if such a permit has been issued for that EGU, and shall be subject to the same procedural requirements. When the Agency issues a budget permit, it shall be incorporated into and become part of that EGU's existing federally enforceable permit.

(Source: Added at 25 Ill. Reg. 128, effective 12/26/2000)

Section 217.760 NO[x] Trading Budget

The NO[x] trading budget available for allowance allocations for each control period shall be determined as follows:

- a) The total base EGU trading budget is 30,701 tons per control period subject, however, to the following:
 - 1) In 2004 through 2006, 5% of this number shall be allocated to the new source set-aside under Section 217.768 of this Part, resulting in an EGU trading budget of 29,166 tons available for allocation per control period; and
 - 2) In 2007 and thereafter, 2% of this amount shall be allocated to the new source set-aside, resulting in an EGU trading budget of 30,087 tons available for allocation per control period.
- b) The Agency must adjust the total base EGU trading budget available for allocation in subsection (a) of this Section to remove allowances from budget EGUs opting to become exempt pursuant to the requirements for low-emitters in Section 217.754(c)(4) of this Part.
- c) If USEPA adjusts the total base EGU trading budget for any reason, the Agency will adjust the budget pro rata.

(Source: Added 12/26/2000, 25 Ill. Reg. 128, effective 12/26/2000)

Section 217.762 Methodology for Calculating NO[x] Allocations for Budget

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Electrical Generating Units (EGUs)

The methodology for calculating the allowances to be allocated to budget EGUs is based on the following emission rates and heat inputs:

- a) The applicable NO_x emission rates are as follows:
 - 1) For budget EGUs listed in Appendix F: 0.15 lb/mmBtu.
 - 2) For budget EGUs not listed in Appendix F: The more stringent of 0.15 lb/mmBtu or the permitted NO_x emission rate, but not less than 0.055 lb/mmBtu.

- b) Heat input (HI) (in mmBtu/control period) is determined as follows:

- 1) The budget EGU's two highest heat inputs from the control periods four to six years prior to the year for which the allocation is being made are averaged. However, for a budget EGU that did not commence commercial operation at least six years prior to the control period for which the allocation is being made, the heat inputs for the following control periods shall be used:

- A) If the budget EGU has heat input for the control period four years prior to the year for which the NO_x allocation is being made, but not for the control periods five and six years prior, the heat input for that control period four years prior shall be used; or
- B) If the budget EGU has heat inputs for the control periods four and five years prior to the year for which the NO_x allocation is being made, but not for the control period six years prior, the heat input for the control periods four and five years prior shall be averaged.

- 2) The budget EGU's heat input in subsection (b)(1) of this Section for the control period in each year will be determined in accordance with:

- A) 40 CFR 75, as incorporated by reference in Section 217.104 of this Part, if the budget EGU was otherwise subject to its requirements for the year; or

- B) The best available data reported to the Agency for the budget EGU if the budget EGU was not subject to the requirements of 40 CFR 75, for the year.

- c) The general equation for determining allowances is:

$$A = \frac{HI \times ER}{2000}$$

Where:

HI = heat input (in mmBtu/control period) as determined in Section 217.762(b) of this Part.

ER = The NO_x emission rate in lbs/mmBtu as determined in Section 217.762(a) of this Part.

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A = allowances of NO_x/control period.

(Source: Added at 25 Ill. Reg. 123, effective 1/1/2000)

Section 217.764 NO_x Allocations for Budget EGUs

For each control period, the Agency will allocate the total number of NO_x allowances in the trading budget apportioned to budget EGUs under Section 217.760 of this Part. These allocations will be issued as provided in subsections (a) through (f) of this Section and Section 217.768 of this Part for new sources. Specifically:

- a) In 2004, 2005, and 2006 (or the first three years of the program):
 - 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 7 of Appendix F of this Part for that budget EGU, as well as any allowances that are not allocated from the new source set-aside to budget EGUs in subsection (a)(2) of this Section. Any such allowances from the new source set-aside will be allocated to budget EGUs listed in Appendix F of this Part pursuant to 217.768(j) of this Part.
 - 2) The Agency will allocate allowances from the new source set-aside to budget EGUs that commenced commercial operation on or after January 1, 1995, pursuant to Section 217.768 of this Part.
 - 3) The Agency will report these allocations to USEPA at the time it submits the SIP.
- b) In 2007 (or the fourth year of the program):
 - 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 8 of Appendix F for that budget EGU, and any allowances that are not allocated to budget EGUs under subsection (b)(2) of this Section will be allocated as provided in subsection (b)(4) of this Section.
 - 2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2003, allowances as calculated in the following equation:

$$A = 0.80 \times \frac{HI \times ER}{2000}$$

Where:

HI = heat input (in mmBtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmBtu, as determined in Section 217.762(a)(2) of this Part.

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A = allowances of NO_x/control period.

- 3) Notwithstanding subsection (b)(2) of this Section, if the total number of allowances determined by subsection (b)(2) of this Section is more than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (b)(1) of this Section, the Agency will prorate the number of NO_x allowances available to budget EGUs pursuant to the criteria in subsection (b)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 6,017.
- 4) If the total number of allowances allocated pursuant to subsection (b)(2) of this Section is less than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (b)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:
- A) For budget EGUs in subsection (b)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.
- B) For budget EGUs in subsection (b)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.
- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2003 and that have not operated for the full 2003 control period.
- 6) The Agency will report these allocations to USEPA by April 1, 2004, except for allocations from the new source set-aside, which the Agency will report by May 1, 2007.

c) In 2008 (or the fifth year of the program):

- 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 8 of Appendix F for that budget EGU, and any allowances that are not allocated to budget EGUs under subsection (b)(2) of this Section will be allocated as provided in subsection (b)(4) of this Section.
- 2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2004, allowances as calculated in the following equation:

$$A = 0.80 \times (HI \times ER) \\ 2000$$

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Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu, as determined in Section 217.762(a)(2) of this Part.

A = allowances of NO_x/control period.

- 3) Notwithstanding subsection (c)(2) of this Section, if the total number of allowances determined by subsection (c)(2) of this Section is more than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (c)(1) of this Section, the Agency will prorate the number of NO_x allowances available to budget EGUs pursuant to the criteria in subsection (c)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 6,017.
- 4) If the total number of allowances allocated pursuant to subsection (c)(2) of this Section is less than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (c)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

A) For budget EGUs in subsection (c)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.

B) For budget EGUs in subsection (c)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2004 and that have not operated for the full 2004 control period.

6) The Agency will report these allocations to USEPA by April 1, 2005, except for allocations from the new source set-aside, which the Agency will report by May 1, 2008.

d) In 2009 (or the sixth year of the program):

- 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 9 of Appendix F for that budget EGU and any allowances that are not allocated to budget EGUs under subsection (d)(2) of this Section will be allocated as provided in subsection (d)(4) of

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this Section.

- 2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2005, allowances calculated in the following equation:

$$A = 0.50 \times (HI \times ER) \div 2000$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu, as determined in Section 217.762(a)(2) of this Part.

A = allowances of NO_x/control period.

- 3) Notwithstanding subsection (d)(2) of this Section, if the total number of allowances determined by subsection (d)(2) of this Section is more than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (d)(1) of this Section, the Agency will prorate the total number of NO_x allowances available to budget EGUs that received allowances pursuant to the criteria in subsection (d)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 15,043. If the total number of allowances allocated pursuant to subsection (d)(2) of this Section is less than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (d)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

A) For budget EGUs in subsection (d)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.

B) For budget EGUs in subsection (d)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2005 and that have not operated for the full 2005 control period.

- 6) As of April 30, 2009, if the number of allowances in the new source set-aside 3% of the total number of tons of NO_x

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emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(1) and (j) of this Part, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to this subsection (d).

- 2) The Agency will report these allocations to USEPA by April 1, 2006, except for allocations from the new source set-aside, which the Agency will report by May 1, 2009.

e) In 2010 (or the seventh year of the program):

- 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 9 of Appendix F for that budget EGU and any allowances that are not allocated to budget EGUs under subsection (e)(2) of this Section as provided in subsection (e)(4) of this Section.

- 2) The Agency will assign to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2006, allowances as calculated in the following equation:

$$A = 0.50 \times (HI \times ER) \div 2000$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu, as determined in Section 217.762(a)(2) of this Part.

A = allowances of NO_x/control period.

- 3) Notwithstanding subsection (e)(2) of this Section, if the total number of allowances determined by subsection (e)(2) of this Section is more than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (e)(1) of this Section, the Agency will prorate the total number of NO_x allowances allocated to budget EGUs that received allowances pursuant to the criteria in subsection (e)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 15,043. If the total number of allowances allocated pursuant to subsection (e)(2) of this Section is less than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (e)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

A) For budget EGUs in subsection (e)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part,

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multiplied by the emission rate in Section 217.762(a)(1) of this Part.

- B) For budget EGUs in subsection (e)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2006 and that have not operated for the full 2006 control period.

- 6) As of April 30, 2010, if the number of allowances in the new source set-aside exceeds 3% of the total number of tons of NO[x] emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(i) and (j) of this Part, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to this subsection (e).

- 7) The Agency will report these allocations to USEPA by April 1, 2007, except for allocations from the new source set-aside, which the Agency will report by May 1, 2010.

- f) In 2011 (or the eighth year) of the program and annually thereafter:

- 1) The Agency will apportion the available NO[x] allowances to each budget EGU based on its heat input determined in Section 217.762(b) of this Part, multiplied by:

- A) For budget EGUs that commenced commercial operation prior to January 1, 1995, the NO[x] emission rate determined in Section 217.762(a)(1) of this Part.

- B) For budget EGUs that commenced commercial operation on or after January 1, 1995, the NO[x] emission rate determined in Section 217.762(a)(2) of this Part.

- 2) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after the control period four years prior to the year in which allocations are made and that have not operated for the full control period four years prior to the year in which the allocations are being made.

- 3) As of April 30, 2011, if the number of allowances in the new source set-aside exceeds 3% of the total number of tons of NO[x] emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(e) and (f) of this Part, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to this subsection (f).

- 4) The Agency will report these allocations to USEPA by April 1 of each year that is three years prior to the year in which the allocations are being made, except for allocations from the new source set-aside, which the Agency will report by May 1 of each year in which the allocations are being made.

BOARD NOTE: Because of litigation involving the NO[x] SIP Call, Michigan v.

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EPA, No. 98-1497, 2000 WL 180650 (D.C. Cir. March 3, 2000), the years defining the control periods may change. Should this occur, the dates set forth under each year will be considered to adjust correspondingly.

(Source: Added at 25 Ill. Reg. 12 8, effective DEC 26 2000)

Section 217.768 New Source Set-Asides for "New" Budget EGUs

- a) "New" budget EGUs

- 1) A "new" budget EGU is one that commenced commercial operation on or after January 1, 1995, and does not receive allowances pursuant to Section 217.764 of this Part.

- 2) "New" budget EGUs must have an allowance for every ton of NO[x] emitted during the control period as provided in Section 217.756(d) of this Part.

- 3) A "new" budget EGU may request from the Agency a number of allowances that is not more than the number of allowances for which it is eligible, as determined in subsection (e) of this Section.

- b) The Agency shall apportion allowances from the new source set-aside as follows:

- 1) For 2004, 2005, and 2006, to budget EGUs that commenced commercial operation on or after January 1, 1995; and

- 2) For 2007 and thereafter, to budget EGUs that have not operated the full control period four years prior to the control period for which the allocation is being made.

- c) The Agency will establish a new source set-aside for each control period. Each new source set-aside will be allocated allowances equal to:

- 1) 5% of the EGU trading budget in 2004, 2005, and 2006, which is 1,535 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget;

- 2) 2% of the EGU of the trading budget in 2007 and thereafter, which is 614 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget.

- 3) As of April 30 of the applicable year, beginning in 2009 and thereafter, if the number of allowances in the new source set-aside is greater than or equal to 3% of the total number of tons of NO[x] emissions in the trading budget apportioned to budget EGUs, which is 921 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget, pursuant to subsections (i) and (j) of this Section, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to Section 217.764 of this Part. These allowances shall be allocated on a pro-rata basis.

- d) The account representative of a "new" budget EGU under subsection (a) of this Section may obtain allowances from the new source set-aside by

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submitting to the Agency a request, in writing or in a format specified by the Agency, to be allocated allowances for the current control period from the new source set-aside. The allocation request for each applicable control period must be submitted after the date on which the Agency issues a construction permit to the budget EGU and before March 1 of the control period for which the allocation is requested.

e) In an allocation request under subsection (d) of this Section, the account representative may request allowances for a control period in a number that does not exceed the projected heat input in mmbtu during the applicable control period multiplied by the more stringent of 0.15 lb/mmbtu or the permitted emission rate, but no more stringent than 0.055 lb/mmbtu. The projected heat input shall be determined as set forth below, divided by 2000 lbs/ton:

1) For "new" budget EGUs that have heat input from at least three control periods prior to the allocation year, the average of the budget EGU's two highest seasonal heat inputs from the control periods one to three years prior to the allocation year;

2) For "new" budget EGUs that have heat input from only two control periods prior to the allocation year, the average of the budget EGU's seasonal heat inputs from the control periods one and two years prior to the allocation year;

3) For "new" budget EGUs that have seasonal heat input from only the control period prior to the allocation year, the heat input from that control period; or

4) For "new" budget EGUs that have commenced commercial operation but have not operated for at least 77 days of the control period prior to the allocation year, the budget EGU's maximum design heat input for the control period as designated in the construction permit.

f) Beginning in 2007, the Agency will review and allocate allowances pursuant to each allocation request, contingent upon receiving payment pursuant to subsection (k) of this Section, by April 15 of the applicable year, as follows:

1) Upon receipt of the allocation request, the Agency will determine whether the request is consistent with the requirements of subsections (d) and (e) of this Section and will make any necessary adjustments to the request to ensure that the control period and the number of allowances requested are consistent with those requirements of subsections (d) and (e) of this Section.

2) If the new source set-aside for the control period for which allowances are requested has a number of allowances greater than or equal to the total number requested by all "new" budget EGUs, the Agency will allocate the number of allowances requested to the "new" budget EGUs.

3) If the new source set-aside for the control period for which allowances are requested has a number of allowances less than the total number of allowances requested by all "new" budget EGUs,

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the Agency will allocate the available allowances to the "new" budget EGUs on a pro-rata basis, based on the number of allowances requested.

g) For "new" budget EGUs that commenced commercial operation on or after January 1, 1995, but prior to January 1, 2004, the Agency will notify the account representative of the number of allowances that have been allocated to the "new" budget EGU by March 30 of the applicable year. There will be no charge for allowances received under this subsection. For "new" budget EGUs that commenced commercial operation on or after January 1, 2004, the Agency will notify by March 30 of the applicable year the account representative of the number of allowances that are eligible for purchase for the "new" budget EGU pursuant to the requirements of subsection (k) of this Section. If the Agency does not receive payment by April 15 of the applicable year, the account representative will forfeit his/her eligibility to purchase the allowances offered. The Agency will make available for purchase those forfeited allowances on a pro-rata basis to "new" budget EGUs that received allocations pursuant to subsection (f)(2) of this Section, up to the number of allowances requested by each account representative. Such additional allocations are subject to the purchase requirements of subsection (k) of this Section, to the extent applicable.

i) For "new" budget EGUs that have commenced commercial operation but have operated for 76 or fewer days of the control period in 2003, USEPA will deduct allowances to account for the actual utilization of the EGU during the 2004 control period consistent with the provisions of 40 CFR 96.42(e). Any allowances allocated by the Agency for such "new" budget EGUs that are not used for compliance during the 2004 control period shall be returned to the Agency's new source set-aside account.

j) For the years 2004, 2005, and 2006, any allowances that are not allocated pursuant to subsections (g), (h) and (i) of this Section will be allocated on a pro-rata basis to the budget EGUs listed in Appendix F of this Part. There will be no charge for allowances received under this subsection.

k) Fees for new source set-aside allowances:

1) "New" budget EGUs that commence commercial operation on or after January 1, 2004, that obtain allowances allocated from the new source set-aside shall pay for such allocations pursuant to Section 9.9 of the Act.

2) The price of allowances from the new source set-aside shall be: A) The average price at which NO[x] allowances are traded in the interstate NO[x] Trading Program for the preceding control period; and

B) For 2004 only, the price shall be the average price at which NO[x] allowances were traded in 2003 in the Ozone Transport Region.

3) The fees collected by the Agency from the sale of allowances will be distributed pro-rata to budget EGUs receiving allowances

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pursuant to Section 217.764 of this Part on the basis of allocated allowances subject to Agency administrative costs assessed pursuant to Section 9.9 of the Act.

- 1) A "new" budget EGU will become an existing budget EGU and will receive allowances pursuant to the requirements of Section 217.764 of this Part, as follows:

1) For a budget EGU that commences commercial operation between and including January 1, 1995, and April 30, 2003, the budget EGU will be allocated allowances in 2004 for the 2007 control period and will become an existing budget EGU on May 1, 2007.

2) For a budget EGU that commences commercial operation after April 30, 2003, the budget EGU will become an existing budget EGU in the control period for which it receives an allocation pursuant to Section 217.764 of this Part. It will be considered a "new" budget EGU and will receive its allowances from the new source set-aside in the intervening years from start-up until it receives allocations pursuant to Section 217.764 of this Part.

BOARD NOTE: Because of litigation involving the NO[x] SIP Call, Michigan v. EPA, No. 98-1497 2000 WL 180650 (D.C. Cir. March 3, 2000), the years defining the control periods may change. Should this occur, other dates in this Section will be considered to adjust as necessary.

(Source: Added at 25 Ill. Reg. 328, effective _____)

Section 217.770 Early Reduction Credits for Budget EGUs

If a budget EGU reduces its NO[x] emission rate as required by the applicable provisions of subsection (c) of this Section in the 2001, 2002, or 2003 control period, for use in the 2004 control period, or later control periods authorized by USEPA, the account representative may request early reduction credits (ERCs) for such reductions, and the Agency will allocate ERCs to the budget EGU in accordance with the following:

- a) Each budget EGU for which the account representative requests any ERCs under subsection (d) of this Section shall monitor NO[x] emissions in accordance with 40 CFR 96, Subpart H, as incorporated by reference in Section 217.104 of this Part, starting with the control period prior to the control period for which ERCs will first be requested and for each control period for which ERCs will be requested. For example, if ERCs are requested for reductions made in the 2001 control period, the budget EGU must have implemented the applicable monitoring for the 2000 control period. The unit's monitoring system availability shall be not less than 90% during the control period prior to the control period in which the NO[x] emissions reduction is made and the unit must be in compliance with any applicable State or federal emissions or emissions-related requirements.

- b) The NO[x] emission rate and heat input under subsections (c) through (e) of this Section shall be determined in accordance with 40 CFR 96.

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subpart H.

- c) Each budget EGU for which ERCs are requested under subsection (d) of this Section must have reduced its NO[x] emission rate for each control period for which ERCs are requested, as follows:

1) For budget EGUs subject to the requirements of Title IV of the CAA and not included in a NO[x] averaging plan pursuant to 40 CFR 72 and 76, as incorporated by reference in Section 217.104 of this Part, at least 30% less than the NO[x] emission rate specified in the applicable Title IV permit or other applicable federally enforceable permit.

2) For budget EGUs subject to the requirements of Title IV of the CAA and included in a NO[x] averaging plan pursuant to 40 CFR 72 and 76, at least 30% less than the annual emission rate required in the NO[x] averaging plan in the applicable Title IV permit or other applicable federally enforceable permit.

3) For budget EGUs not subject to the requirements of Title IV of the CAA, at least 30% less than the actual NO[x] emissions rate (lbs/mmbtu) for the 2000 control period.

d) The account representative of a budget EGU that meets the requirements of subsections (a) through (c) of this Section may submit to the Agency a request for ERCs for a EGU based on NO[x] emission rate reductions made by the EGU in control periods 2001, 2002, and 2003, in accordance with subsection (c) of this Section.

- 1) The number of ERCs for any applicable control period shall be an amount equal to the unit's heat input for such control period multiplied by the difference between the EGU's NO[x] emission rate (meeting the requirements of subsection (c) of this Section for the applicable control period) and the EGU's actual NO[x] emission rate for the applicable control period, divided by 2000 lbs/ton, and rounded to the nearest ton.

2) Upon request of the account representative, the ERC allowance allocation for a particular EGU may be deposited in the source's general account rather than in the unit's compliance account.

- 3) The early reduction request must be submitted in a format specified by the Agency by:

- A) November 1, 2001, for reductions made in the 2001 control period;
B) November 1, 2002, for reductions made in the 2002 control period; and
C) November 1, 2003, for reductions made in the 2003 control period.

e) In the event that the date for implementing the NO[x] SIP Call, May 31, 2004, is delayed, the early reduction request must be submitted in accordance with any rulemaking or guidance by USEPA on the distribution of the Compliance Supplement Pool under the NO[x] SIP Call (63 Fed. Reg. 57356).

- f) The Agency will allocate ERCs to the budget EGUs meeting the requirements of subsections (a) through (c) of this Section and

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covered by ERC requests meeting the requirements of subsection (d) of this Section in accordance with the following procedures:

- 1) Upon receipt of each ERC request, the Agency will accept the request only if the requirements of subsections (a) through (d) of this Section are met and will make any necessary adjustment to the request to ensure that the amount of the ERCs requested meets the requirements of subsections (b) through (d) of this Section;
- 2) The Agency shall allocate at least 15,261 ERCs over three years, as follows:

A) If USEPA has approved this Subpart as a SIP revision, not more than one-half of the total ERC allowances for reductions made in the control period in 2001;

B) Not more than one-half of the total ERC allowances for reductions made in the control period in 2002; and

C) Any ERC allowances not allocated pursuant to subsection (f)(2)(A) or (B) of this Section, for reductions made in the control period in 2003.

3) If the number of ERC allowances requested for a reduction achieved in the control period in 2003 is less than or equal to the number of ERC allowances designated for that control period in subsection (f)(2)(A) of this Section, the Agency will allocate to each budget EGU one allowance for each accepted ERC request;

4) If the number of ERC allowances requested for a reduction achieved in the control period in 2003 is greater than the number of ERC allowances designated for that control period in subsection (f)(2)(A) of this Section, the Agency will allocate to each budget EGU allowances for accepted requests on a pro-rata basis.

g) The Agency will notify the account representative submitting an ERC request for the subsequent control period of the number of ERC allowances that will be allocated to each budget EGU for that control period as follows:

- 1) By March 1, 2002, for ERCs requested for and earned in the 2001 control period;
- 2) By March 1, 2003, for ERCs requested for and earned in the 2002 control period; and
- 3) By March 1, 2004, for ERCs requested for and earned in the 2003 control period.

h) By May 1, 2004, the Agency will submit to USEPA the ERC allocations made by the Agency under this Section. USEPA will record such allocations to the extent that they are consistent with the requirements of this Section.

i) ERC allowances recorded under subsection (h) of this Section may be deducted for compliance under 40 CFR 96.54, as incorporated by reference in Section 217.104 of this Part, for the control period in 2004 or such additional control periods as may be specified by USEPA. Notwithstanding 40 CFR 96.55(a), USEPA will deduct as retired any ERC allowances that are not deducted for compliance in accordance with 40

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CFR 96.54 for the control period in 2004.
j) ERC allowances are treated as banked allowances in 2004 for the purposes of 40 CFR 96.55(a) and (b).

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 217.774 Opt-In Units

a) Any operating fossil fuel-fired stationary boiler, combustion turbine, combined cycle system, cement kiln or stationary internal combustion engine in the State may qualify under this Subpart to become a budget opt-in unit if it:

- 1) Is not a budget EGU under Section 217.754 of this Part;
- 2) Vents all of its emissions to a stack;
- 3) Has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under subsection (d) of this Section;
- 4) Is not covered by a retired unit exemption under 40 CFR 96.5;
- 5) Is not covered by the low-emitter exemption under Section 217.754(c) of this Part; and
- 6) Is not located at a source listed in Appendix D of this Part.

b) Except as otherwise provided in this Part, a budget opt-in unit shall be treated as a budget EGU for purposes of applying this Subpart and 40 CFR 96.

c) Authorized account representative:

1) If an opt-in unit is located at the same source as one or more budget EGUs, it shall have the same account representative as those budget EGUs.

2) If the opt-in unit is not located at the same source as one or more budget EGUs, the owner or operator of the opt-in unit shall submit a complete account certificate of representation under 40 CFR 96.13.

d) To apply for a budget permit, the account representative of a unit meeting the qualifications of subsection (a) of this Section must, except as provided under Section 217.778(f) of this Part, submit to the Agency:

- 1) A budget permit application for the unit that:
 - A) Meets the requirements under Section 217.758 of this Part; and
 - B) Contains provisions for a change in the regulatory status of the unit to a budget opt-in unit under Section 217.754 of this Part pursuant to the provisions of Section 217.780(b) of this Part.
- 2) A monitoring plan for the unit in accordance with 40 CFR 96. Subpart H.

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(Source: Added at 25 Ill. Reg. 23, effective _____)

Section 217.776 Opt-In Process

The owner or operator of a unit meeting the qualifications of Section 217.774(a) of this Part may submit an application for a budget permit for a budget opt-in unit under Section 217.774(d) of this Part. The Agency will issue or deny a budget permit for such opt-in unit in accordance with Section 217.758 of this Part and the following:

a) The Agency will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a budget permit for an opt-in unit. A monitoring plan is sufficient, for purposes of interim review, if the plan contains information demonstrating that the NO[x] emission rate and heat input of the unit are monitored and reported in accordance with 40 CFR 96, subpart H. A determination of sufficiency shall not be construed as acceptance or approval of that unit's monitoring plan.

b) If the Agency determines that the unit's monitoring plan is sufficient under subsection (a) of this Section and after completion of the monitoring system certification under 40 CFR 96, subpart H, the NO[x] emission rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 96, subpart H, for one full control period during which the monitoring system availability is not less than 90% and during which the unit is in full compliance with any applicable State or federal emissions or emissions-related requirements.

c) Based on the information monitored and reported under subsection (b) of this Section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmbtu) for the control period and the unit's baseline NO[x] emission rate shall be calculated as the unit's total NO[x] emissions (in lbs) for the control period divided by the unit's baseline heat rate.

(Source: Added at 25 Ill. Reg. 23, effective _____)

Section 217.778 Budget Opt-In Units: Withdrawal from NO[x] Trading Program

a) Requesting withdrawal. To withdraw from the NO[x] Trading Program, the account representative of a budget opt-in unit shall submit to the Agency a request to withdraw from the NO[x] Trading Program and to withdraw the budget permit effective as of a specified date between (and not including) September 30 and May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.

b) Conditions for withdrawal.

1) Before a budget opt-in unit may withdraw from the NO[x] Trading

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Program and the budget permit may be withdrawn under this Section, the following conditions must be met:

A) For the control period immediately before the withdrawal is to be effective, the account representative must submit to the Agency an annual compliance certification report in accordance with 40 CFR 96.30.

B) If the budget opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, USEPA has deducted from the budget opt-in unit's compliance account, or the overdraft account of the NO[x] budget source where the budget opt-in unit is located, the number of allowances required in accordance with 40 CFR 96.54(d) for the control period.

2) After the requirements for withdrawal under subsection (b)(1) of this Section are met, USEPA will deduct from the opt-in unit's compliance account, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to any allowances allocated to that unit under Section 217.782 of this Part for the same or earlier control period for which the withdrawal is to be effective. USEPA will close the budget opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the opt-in unit. The account representative for the budget opt-in unit shall become the account representative for the general account.

c) A budget opt-in unit that withdraws from the NO[x] Trading Program shall comply with all requirements under the NO[x] Trading Program concerning all years for which such budget opt-in unit was a budget opt-in unit, even if such requirements arise or must be complied with after the withdrawal takes effect.

d) Notification.

1) After the requirements for withdrawal under subsections (a) and (b) of this Section are met (including deduction of the full amount of allowances required), the Agency will revise the budget permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.

2) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator and the account representative of the budget opt-in unit that the opt-in unit's request to withdraw its budget permit is denied. If the budget opt-in unit's request to withdraw is denied, the budget opt-in unit shall remain subject to the requirements for a budget opt-in unit.

e) Reapplication upon failure to meet conditions of withdrawal. If the Agency denies the budget opt-in unit's request to withdraw, the account representative of the budget opt-in unit may submit another

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request to withdraw in accordance with subsections (a) and (b) of this Section.

f) Ability to return to the NO(x) Trading Program. Once an opt-in unit withdraws from the NO(x) Trading Program and its budget permit is withdrawn under this Section, the account representative may not submit another application for a budget permit under Section 217.774(d) of this Part for the unit prior to the date that is four years after the date on which the budget permit with opt-in conditions is withdrawn.

(Source: Added at 25 Ill. Reg. 116.1, effective 1/1/74)

Section 217.780 Opt-In Units: Change in Regulatory Status

a) Notification. When an opt-in unit becomes a budget opt-in unit under Section 217.754(d) of this Part, the owner or operator shall notify the Agency and USEPA in writing of such change in the opt-in unit's regulatory status within 30 days after such change.

b) Any permit application that provides for a change in the regulatory status of a unit to a budget opt-in unit pursuant to Section 217.774(d)(1)(B) of this Part and is included in a budget permit is effective on the date on which such opt-in unit becomes a budget opt-in unit under Section 217.754 of this Part.

c) USEPA action.

1) USEPA will deduct from the compliance account for the budget opt-in unit under this Section, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to and allocated for the same or a prior control period as:

A) Any allowances allocated to the budget unit (as an opt-in unit) under Section 217.782 of this Part for any control period after the last control period during which the unit's budget permit was effective; and

B) If the effective date of any budget permit under subsection (b) of this Section is during a control period, the allowances allocated to the budget opt-in unit (as an opt-in unit) under Section 217.782 of this Part for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

2) The account representative shall ensure that the compliance account of the budget opt-in unit under subsection (b) of this Section, or the overdraft account of the budget source where the budget opt-in unit is located, contains the allowances necessary for completion of the deduction under subsection (c)(1) of this Section. If the compliance account or overdraft account does not

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contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.

3) For every control period during which any budget permit under subsection (b) of this Section is effective, the budget opt-in unit under subsection (b) of this Section will be treated, solely for purposes of allowance allocations under Section 217.764 or 217.768 of this Part, as a unit that commenced operation on the effective date of the budget permit under subsection (b) of this Section and will be allocated allowances in accordance with Section 217.764 or 217.768 of this Part.

4) Notwithstanding subsection (c)(2) of this Section, if the effective date of any budget permit under subsection (b) of this Section is during a control period, the following number of allowances will be allocated to the budget opt-in unit under subsection (b) of this Section or under Section 217.764 or 217.768 of this Part for the control period: the number of allowances otherwise allocated to the budget opt-in unit under Section 217.764 or 217.768 of this Part for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

d) When the owner or operator of an opt-in unit does not renew the budget permit for the budget opt-in unit issued pursuant to Section 217.774(d), USEPA will deduct from the budget opt-in unit's compliance account, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to and allocated for the same or a prior control period as any allowances allocated to the budget opt-in unit under Section 217.782 of this Part for any control period after the last control period for which the budget permit is effective. The account representative shall ensure that the budget opt-in unit's compliance account or the overdraft account of the budget source where the budget opt-in unit is located contains the allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.

e) After the deduction under subsection (d) of this Section is completed, USEPA will close the opt-in unit's compliance account. If any allowances remain in the compliance account after completion of such deduction and any deduction under 40 CFR 96.54, USEPA will close the opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owner or operator of the opt-in unit. The account representative for the opt-in unit shall become the account representative for the general

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account.

(Source: Added at 25 Ill. Reg. 180, effective 11/1/77)

Section 217.782 Allowance Allocations to Budget Opt-In Units

a) Allowance allocations:

- 1) By the December 31 immediately before the first control period for which the budget permit is effective, the Agency will allocate allowances to the budget opt-in unit and submit to USEPA the allocation for the control period in accordance with subsection (b) of this Section.
- 2) By no later than the December 31 after the first control period for which the budget permit is in effect and the December 31 of each year thereafter, the Agency will allocate allowances to the budget opt-in unit and submit to USEPA allocations for the next control period, in accordance with subsection (b) of this Section.

b) For each control period for which the budget opt-in unit has a budget permit, the budget opt-in unit will be allocated allowances in accordance with the following procedures:

- 1) The heat input (in mmbtu) used for calculating allowance allocations will be the lesser of:
 - A) The opt-in unit's baseline heat input determined pursuant to Section 217.776(c) of this Part; or
 - B) The opt-in unit's heat input, for the control period in the year prior to the year of the control period for which the allocations are being calculated, as determined in accordance with 40 CFR 96, subpart H.
- 2) The Agency will allocate allowances to the budget opt-in unit in an amount equaling the heat input (in mmbtu) determined under subsection (b)(1) of this Section multiplied by the lesser of:
 - A) The unit's baseline NO_x emission rate (in lbs/mmbtu) determined pursuant to Section 217.776(c) of this Part; or
 - B) The lowest NO_x emissions limitation (calculated in lbs/mmbtu) under State or federal law that is applicable to the budget opt-in unit for the year of the control period for which the allocations are being calculated during the control period, regardless of the averaging period to which the emissions limitation applies.

(Source: Added at 25 Ill. Reg. 180, effective 11/1/77)

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Section 217.782 Non-Electrical Generating Units

COMPANY ID #/NAME UNIT DESIGNATION UNIT DESCRIPTION

1

2

3

A E STALEY MANUFACTURING CO.

115015ABX 85070061299 COAL-FIRED BOILER 1
115015ABX 85070061299 COAL-FIRED BOILER 2
115015ABX 73020084129 BOILER #25

ARCHER DANIELS MIDLAND CO EAST PLANT

115015AAE 85060030081 COAL-FIRED BOILER 1
115015AAE 85060030081 COAL-FIRED BOILER 2
115015AAE 85060030081 COAL-FIRED BOILER 3
115015AAE 85060030082 COAL-FIRED BOILER 4
115015AAE 85060030082 COAL-FIRED BOILER 5
115015AAE 85060030082 COAL-FIRED BOILER 6
115015AAE 85060030083 GAS-FIRED BOILER 7
115015AAE 85060030083 GAS-FIRED BOILER 8

CPC INTERNATIONAL INC.

031012ABI 91020069160 COAL-FIRED BOILER 6
031012ABI 73020146041 BOILER SERIAL 15813
031012ABI 73020146042 BOILER SERIAL 15812
031012ABI 73020146043 GAS FIRED BOILER NO 4
031012ABI 73020147045 BOILER SERIAL 18345
031012ABI 73020147046 GAS FIRED BOILER NO 5

GREAT LAKES NAVAL STATION

097811AAC BOILER #5
097811AAC BOILER #6

INDIAN REFINING LIMITED PARTNERSHIP

101805AAC BOILER 18601
101805AAC BOILER 18602
101805AAC BOILER 18603

JEFFERSON SMURFIT CORPORATION

119010AAL BLR 7-COAL FIRED

MARATHON OIL CO ILLINOIS REFINING DIVISION

033808AAB BOILER #3 OIL, REF GAS FIRED
033808AAB BOILER #4 REF GAS, OIL FIRED

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MOBIL JOLIET REFINING CORP

197800AAA 72110567002

AUX BOILER-REFINERY
GAS FULL FIRE IF COGEN
DOWNSTATIONARY GAS
TURBINE

197800AAA 86010009043

PEKIN ENERGY COMPANY

179060ACR 73020087019

QUANTUM - USI DIVISION

063800AAC 72100016013
063800AAC 72100016013
063800AAC 72100016014
063800AAC 72100016016
063800AAC 72100016017

BOILER #1

BOILER #2

#3 GAS FIRED BOILER

#5 GAS FIRED BOILER

#6 BOILER

QUANTUM - USI DIVISION

041804AAB 72121207108
041804AAB 72121207109
041804AAB 72121207110
041804AAB 72121207111
041804AAB 72121207112

BOILER NO 1

BOILER NO 2

BOILER NO 3

BOILER NO 4

BOILER NO 5

SHELL OIL CO WOOD RIVER MFG COMPLEX

119090AAA 72110633080
119090AAA 72110633081
119090AAA 72110633082

BOILER NO 15

BOILER NO 16

BOILER NO 17

U S STEEL - SOUTH WORKS

031600ALZ 82010044013
031600ALZ 82010044014NO. 6 BOILER, #5 POWER
STATION (FUEL-NAT.GAS)
NO 1 BER NG

UNIV OF ILL - ABBOTT POWER PLANT

019010ADA 82090027006

BOILER #7 (265 MBTU)

UNO-VEN COMPANY

197090AAI 72110253037

BOILER 43-B-1

(Source: Added at 25 Ill. Reg. effective
1/1/01)

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Section 217.APPENDIX F Allowances for Electrical Generating Units

Company Name/ ID #	Generating Unit Designation	EGU Designation	NO _x Budget Allowances	80% of NO _x Budget Allowances	50% of NO _x Budget Allowances	2004, 2005, 2006 Allowances	2007, 2008 Allowances	2009, 2010 Allowances
1	2	3	4	5	6	7	8	9
Company Totals								
			No NSSA	No NSSA	No NSSA	5% NSSA	2% NSSA	2% NSSA

Ameren Energy Generating Company

135803AA A	Coffeen 1	Coffeen 1	550	440	275	523	431	270
135803AA A	Coffeen 2	Coffeen 2	945	756	473	898	741	463
077806AA A	G. Tower 3	Boiler 7	55	44	28	52	43	27
077806AA A	G. Tower 3	Boiler 8	44	35	22	42	35	22
077806AA A	G. Tower 4	Boiler 9	199	159	100	189	156	98
033801AA A	Hutsonville 3	Boiler 5	161	129	81	153	126	79
033801AA A	Hutsonville 4	Boiler 6	129	103	65	123	101	63
135805AA A	Meredosia 1	Boiler 1	33	26	17	31	26	16
135805AA A	Meredosia 1	Boiler 2	23	18	12	22	18	11
135805AA A	Meredosia 2	Boiler 3	23	18	12	21	18	11
135805AA A	Meredosia 2	Boiler 4	28	22	14	27	22	14
135805AA A	Meredosia 3	Boiler 5	432	346	216	410	339	212
135805AA A	Meredosia 4	Boiler 6	28	22	14	27	22	13

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079808AA A	Newton 1	1,101	881	551	1,046	863	539
079808AA A	Newton 2	1,074	859	537	1,020	842	526
Ameren Eng. Gen. Co. Totals		4,825	3,860	2,413	4,584	3,783	2,364

AES

057801AA A	D. Creek	914	731	457	868	717	448
143805AA G	Edwards 1	251	201	126	239	197	123
143805AA G	Edwards 2	368	294	184	350	288	180
143805AA G	Edwards 3	655	524	328	622	513	321
AES Totals		2,188	1,750	1,094	2,079	1,715	1,072

CWLP

167120AA O	Dallman 1	141	113	71	134	111	69
167120AA O	Dallman 2	202	162	101	192	158	99
167120AA O	Dallman 3	474	379	237	450	372	232
167120AG Q	G. Turbine #2	91	73	46	86	71	45
167120AA O	Lakeside 7	47	38	24	45	37	23
167120AA O	Lakeside 8	42	34	21	40	33	21
CWLP Totals		997	798	499	947	782	489

Midwest Generation

063806AA F	Collins 1	302	242	151	287	237	148
063806AA F	Collins 2	305	244	153	290	239	150
063806AA F	Collins 3	469	375	235	446	368	230

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

063806AA F	Collins 4	290	232	145	275	227	142
063806AA F	Collins 5	458	366	229	435	359	224
031600AIN	Crawford 7	365	292	183	347	286	179
031600AIN	Crawford 8	463	370	232	440	363	227
031600AM I	Fisk 19	523	418	262	497	410	256
031600AM I	Fisk Peaker	9	7	5	9	7	4
031600AM I	Fisk Peaker	9	7	5	9	7	4
031600AM I	Fisk Peaker	9	7	5	9	7	4
031600AM I	Fisk Peaker	9	7	5	9	7	4
031600AM I	Fisk Peaker	9	7	5	8	7	5
031600AM I	Fisk Peaker	9	7	5	8	7	5
031600AM I	Fisk Peaker	9	7	5	8	7	5
197809AA O	Boiler 5	119	95	60	113	93	58
197809AA O	Boiler 7	455	364	228	432	357	223
197809AA O	Boiler 7	709	567	355	673	556	347
197809AA O	Boiler 8	748	598	374	711	587	367
197809AA O	Boiler 8	497	398	249	472	390	244
179801AA A	Powerton 5	739	591	370	702	579	362
179801AA A	Powerton 5	739	591	370	702	579	362
179801AA A	Powerton 6	739	591	370	702	579	362

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179801AA A	Powerton 6	Boiler 62	739	591	370	702	579	362
097190AA C	Waukegan 6	Boiler 17	199	159	100	189	156	98
097190AA C	Waukegan 7	Waukegan 7	376	301	188	357	295	184
097190AA C	Waukegan 8	Waukegan 8	667	534	334	634	523	327
097190AA C	Peaker	GT 31-1	5	4	3	4	4	2
097190AA C	Peaker	GT 31-2	5	4	3	5	4	2
097190AA C	Peaker	GT 32-1	5	4	3	5	4	3
097190AA C	Peaker	GT 32-2	5	4	3	5	4	3
197810AA K	Will County 1	Will County 1	364	291	182	346	285	176
197810AA K	Will County 2	Will County 2	354	283	177	336	278	175
197810AA K	Will County 3	Will County 3	449	359	225	427	352	220
197810AA K	Will County 4	Will County 4	766	613	383	728	601	375
Midwest Generation Totals			11,926	9,541	5,963	11,330	9,350	5,844

Dom. Energy

021814AA B	Kincaid 1	Kincaid 1	792	634	396	752	621	388
021814AA B	Kincaid 2	Kincaid 2	873	698	437	829	684	428
Dom. Energy Totals			1,665	1,332	833	1,581	1,305	816

El. Energy Inc.

127855AA C	Joppa 1	Joppa 1	481	385	241	457	377	236
127855AA C	Joppa 2	Joppa 2	515	412	258	489	404	252
127855AA C	Joppa 3	Joppa 3	513	410	257	487	402	251

POLLUTION CONTROL BOARD

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127855AA C	Joppa 4	Joppa 4	384	307	192	365	301	188
127855AA C	Joppa 5	Joppa 5	463	370	232	440	363	227
127855AA C	Joppa 6	Joppa 6	524	419	262	498	411	257
El. Energy Inc. Totals			2,880	2,304	1,440	2,736	2,258	1,411

DMG

157851AA A	Baldwin 1	Baldwin 1	1,114	891	557	1,058	873	546
157851AA A	Baldwin 2	Baldwin 2	931	745	466	884	730	456
157851AA A	Baldwin 3	Baldwin 3	1,318	1,054	659	1,252	1,034	646
125804AA B	Havana 1-5	Boiler 1	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 2	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 3	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 4	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 5	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 6	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 7	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 8	0	0	0	0	0	0
125804AA B	Havana 6	Boiler 9	547	438	274	520	429	268
155010AA A	Hennepin 1	Hennepin 1	149	119	75	142	117	73
155010AA A	Hennepin 2	Hennepin 2	540	432	270	513	423	265
183814AA A	Vermilion 1	Vermilion 1	17	14	9	16	13	8

POLLUTION CONTROL BOARD

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183814AA A	Vermilion 2	Vermilion 2	31	25	16	30	24	15
119020AA E	Wood River 1	Wood River 1	0	0	0	0	0	0
119020AA E	Wood River 2	Wood River 2	0	0	0	0	0	0
119020AA E	Wood River 3	Wood River 3	0	0	0	0	0	0
119020AA E	Wood River 4	Wood River 4	219	175	110	208	172	107
119020AA E	Wood River 5	Wood River 5	714	571	357	678	560	350
DMG Totals			5,580	4,464	2,790	5,301	4,375	2,734

SIPCO

199856AA C	Marion 1	Marion 1	14	11	7	13	11	7
199856AA C	Marion 2	Marion 2	10	8	5	10	8	5
199856AA C	Marion 3	Marion 3	30	24	15	29	23	15
199856AA C	Marion 4	Marion 4	511	409	256	485	401	250
SIPCO Totals			565	452	283	537	443	277

Union Electric

119105AA A	Turbine	Turbine	4	3	2	4	3	2
119105AA A	Venice 1	Venice 1	10	8	5	9	8	5
119105AA A	Venice 2	Venice 2	13	10	7	12	10	6
119105AA A	Venice 3	Venice 3	6	5	3	6	5	3
119105AA A	Venice 4	Venice 4	7	6	4	7	5	4
119105AA A	Venice 5	Venice 5	15	12	8	14	12	7
119105AA A	Venice 6	Venice 6	16	13	8	15	13	8

POLLUTION CONTROL BOARD

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119105AA A	Venice 7	Venice 7	2	2	1	2	1	1
119105AA A	Venice 8	Venice 8	2	2	1	2	2	1
Union Electric Totals			75	60	38	71	59	37
TOTAL			30,701	24,561	15,351	29,166	24,070	15,044

(Source: Added at 2 Ill. Reg. 128, effective 06-21-2000)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3) Section Number: Adopted Action:
1413.300 Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendments: January 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 15006 - 10/13/00
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of amendment: This rulemaking will require that a horse's certificate be on file prior to the running of the race as not to prevent thoroughbred horses stabled off the grounds from being able to make an entry.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-5017

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted rules begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1413

ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.114	Couples As Entry
1413.118	Further Definition of Coupling
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration
1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1413.305 Transfer of Jockey Club Certificate
1413.310 Number of Races in a Day

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974 amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; added August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective JAN 1 2001.

Section 1413.300 Jockey Club Certificates

No horse shall be allowed to start enter unless his Jockey Club Registration Certificate is filed in the office of the racing secretary, with the exception that the stewards may, at their discretion, waive this requirement, if horses are shipped in for sweepstakes, or have been lip tattooed, and otherwise are properly identified.

(Source: Amended at 25 Ill. Reg. 178, effective JAN 1 2001)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Board of Appeals
- 2) Code Citation: 86 Ill. Adm. Code 210
- 3) Section Numbers: Adopted Action:
210.110 Amendment
- 4) Statutory Authority: 20 ILCS 2505
- 5) Effective Date of Amendments: December 26, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 6, 2000, 24 Ill. Reg. 14619
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The rulemaking modifies the current rule to allow for situations in which one or more Board Members recuse themselves to avoid a conflict of interest, or the potential for a conflict of interest
- 16) Information and questions regarding this adopted amendment shall be directed to:

Keith Staats
General Counsel
Illinois Department of Revenue
Legal Services Office

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 210
BOARD OF APPEALS

Section	
210.101	Filing of Written Petition
210.105	Hearings
210.110	Recommendations
210.115	Offers in Compromise
210.120	Waiver of Penalty and Interest
210.125	Denial by Lapse of Time
210.126	Voluntary Disclosure
210.130	Departmental Controversies
210.135	Decisions of the Board

AUTHORITY: Implementing and authorized by Sections 2505-505, 2505-250 and 2505-190 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-505, 2505-250 and 2505-190].

SOURCE: Adopted at 5 Ill. Reg. 5348, effective April 30, 1981; codified at 6 Ill. Reg. 801, effective January 5, 1982; amended at 13 Ill. Reg. 6782, effective April 12, 1989; emergency amendment at 17 Ill. Reg. 665, effective January 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8860, effective June 2, 1993; emergency amendment at 24 Ill. Reg. 14793, effective September 25, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 1800, effective 11/1/2000.

Section 210.110 Recommendations

- a) No relief may be recommended to the Director except by affirmative vote of at least 2 Board Members, except as otherwise provided in this Section.
- b) Upon occasion, Board Members may be required to recuse themselves from consideration of a particular case because of an actual or potential conflict of interest. In such situations, no relief may be recommended to the Director except by an affirmative vote of the majority of the Board Members who have considered the case.

(Source: Amended at 25 Ill. Reg. 1800, effective 11/1/2000)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Payment of Taxes by Electronic Funds Transfer

2) Code Citation: 86 Ill. Adm. Code 750

3) Section Numbers: Adopted Action:
750.300 Amendment

4) Statutory Authority: 35 ILCS 5 and 120

5) Effective Date of Amendments: December 26, 00

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 8, 2000, 24 Ill. Reg. 13611

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking implements provisions of Public Act 91-541, which establishes new thresholds requiring payment by electronic funds transfer. These thresholds will become effective October 1, 2000.

16) Information and questions regarding this adopted amendment shall be directed to:

Karl Betz
Associate Counsel
Illinois Department of Revenue
Legal Services Office

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 750

PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Section
750.100
750.200
750.300
750.400
750.500
750.600
750.700
750.800
750.900

Scope of the Program and Rules
Definitions
Payments Required to be Paid by Electronic Funds Transfer
Eligibility Determination and Taxpayer Notification
Voluntary Program Participation
Methods of Electronic Funds Transfer Payment
Payment Transmission Errors
Department Notification Requirement
Due Date; General Provisions

AUTHORITY: Implementing and authorized by the Retailers' Occupation Tax Act [35 ILCS 120].

SOURCE: Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. 9111, effective July 2, 1996; amended at 22 Ill. Reg. 10904, effective June 8, 1998; amended at 23 Ill. Reg. 5847, effective May 3, 1999; amended at 24 Ill. Reg. 3867, effective February 28, 2000; amended at 25 Ill. Reg. 3855, effective DEC 26 2000.

Section 750.300 Payments Required to be Paid by Electronic Funds Transfer

a) Income tax payments

- 1) Beginning on October 1, 1993, certain withholding tax payments and estimated income tax payments will be required to be paid by electronic funds transfer. The threshold amounts are set by law, change over time, and are detailed below.
- 2) Beginning on October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more under Article 7 of the Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1993, a taxpayer who has an average quarterly estimated tax payment obligation of \$450,000 or more under Article 8 of the Act shall make all payments required by rules of the Department by electronic funds transfer. (Section 601.1 of the Illinois Income Tax Act [35 ILCS 5/601.1] ("the IITA"))
 - A) Beginning on October 1, 1994, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average monthly liability of \$100,000, and, beginning on October 1, 1995, the threshold drops to an average monthly liability of \$50,000.

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- B) Beginning on October 1, 1994, the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$300,000 and, beginning on October 1, 1995, the threshold drops to an average quarterly estimated tax payment obligation of \$150,000.
- C) Beginning on October 1, 2000, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average annual liability of \$200,000 and the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$50,000.
- 3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
- 4) Taxpayers over the statutory thresholds will only be required to make certain types of income tax payments by electronic funds transfer.
- A) Taxpayers with income tax withholding liabilities over the statutory thresholds shall make IL-501 payments by electronic funds transfer. All other withholding payments by those taxpayers shall be made by conventional means.
- B) Corporate taxpayers with estimated income and replacement tax liabilities over the statutory thresholds shall make IL-1120 ES payments and IL-505B payments by electronic funds transfer.
- C) Individual taxpayers with estimated income tax liabilities over the statutory thresholds shall make IL-1040ES and IL-505I payments by electronic funds transfer.
- D) Any other taxpayers not listed above who incur estimated income tax liabilities over the statutory thresholds will, upon contact by the Department, be required to make subsequent estimated payments by electronic funds transfer as directed by the Department.
- b) State and local occupation and use tax payments
- 1) Beginning on October 1, 1993, the Department will require certain State and local occupation and use tax payments to be made by electronic funds transfer. Subsection (b)(4) below sets forth the types of payments that must be made by electronic funds transfer.
- A)2) Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department by

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- electronic funds transfer. The term "average monthly tax liability", as used in this subsection (b), shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year, divided by 12. (Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3] ("the ROT"))
- B)2) Beginning October 1, 1994, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$100,000.
- C)2) Beginning October 1, 1995, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$50,000.
- D) Beginning October 1, 2000, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. [35 ILCS 120/3]
- 2)3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
- 3)4) Taxpayers over the statutory thresholds will only be required to make RR-3 sales tax accelerated quarter-monthly payments, ST-1 return payments, PST-1 return payments and PST-3 return payments by electronic funds transfer. Any other payments that accompany a tax return (for example, ST-1-X return payments, 556 return payments, etc.) may not be paid by electronic funds transfer.
- c) Electricity Excise Tax payments
- 1) Beginning October 1, 1999, each delivering supplier or self-assessing purchaser whose average monthly liability under the Electricity Excise Tax Law was \$10,000 or more is required to make all payments by electronic funds transfer. The calculation to determine the average monthly liability is made by taking the sum of the liabilities of the delivering supplier or self-assessing purchaser for the immediately preceding calendar year and dividing by the number 12.
- 2) The Department will calculate the delivering supplier's or self-assessing purchaser's average monthly liability for calendar year 1998, and only for calendar year 1998, by taking the sum of

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the delivering supplier's or self-assessing purchaser's liabilities for the last 5 months of calendar year 1998 and dividing by the number 12.

(Source: Amended at 25 Ill. Reg. 185, effective 11/26/2000)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Numbers: Adopted Action:
110.112 New Section
- 4) Statutory Authority: 35 ILCS 200
- 5) Effective Date of Amendments: December 26, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 15, 2000, 24 Ill. Reg. 13850
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements the procedures for the assessment of Section 515 low-income housing projects established by Public Act 91-0651, effective January 1, 2000, as amended by Public Act 91-0884, effective June 30, 2000.

The rule provides that a Section 515 low-income housing project will be assessed at 33 1/3% of the fair market value of its economic productivity to the owner, using a vacancy rate of not more than 5% capitalized at typical market rates for similar, non-subsidized property.

The rule also provides that the property must be certified as a Section 515 low-income housing project and that the owner must submit the certificate and annual financial statement to the local assessment office

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for the property to be assessed in the manner provided by this rulemaking.

The assessment procedures provided in this rulemaking only apply to Section 515 low-income housing projects that are located in rural communities with populations under 20,000 that are in counties with populations of not more than 200,000 that classify property for the purpose of taxation.

- 16) Information and questions regarding this adopted amendment shall be directed to:

George Logan
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 110
PROPERTY TAX CODE

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.112	Procedures for Assessment of Section 515 Low-income Housing Projects
110.115	Non-Homestead Exemption Proceedings
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of Chief County Assessment Officers
110.135	Review of Assessments - Counties of 3,000,000 or More
110.140	Board of Review Procedures and Records - Counties of Less than 3,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.150	Records Reproduction
110.155	Course and Examination Requirements for Board of Review Members
110.160	Multi-township Assessment Districts
110.162	Township and Multi-township Assessor Qualifications
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation
110.192	Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code

ILLUSTRATION A State of Illinois Board of Review Course and Exam Requirements

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26,

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1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 2411, effective ~~11/24/2000~~ 11/24/2000.

Section 110.112 Procedures for Assessment of Section 515 Low-income Housing Projects

a) Definitions

"Section 515 low-income housing project" means a rental apartment facility developed and managed under a United States Department of Agriculture Rural Rental Housing Program designed to provide affordable housing to low to moderate income families (as defined in 42 USC 1437f) and seniors in rural communities with populations under 20,000; that receives a subsidy in the form of a 1% loan interest rate and a 50-year amortization of the mortgage; that would not have been built without a Section 515 interest credit subsidy; and where the owner of the project is limited to an annual profit of an 8% return on a 5% equity investment. [35 ILCS 200/10-240]

"Section 515 low-income housing project certificate" means a document issued to the owner of the property by the State Director of the United States Department of Agriculture, Rural Development Office, certifying that the property described in that document qualifies for assessment as a Section 515 low-income housing project.

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- b) Assessment of Section 515 Low-income Housing Projects Beginning on January 1, 2000, except in counties of more than 200,000 that classify property for the purpose of taxation, local property assessment officers shall assess property that has been certified for the year of assessment as a Section 515 low-income housing project in accordance with Section 10-245 of the Property Tax Code [35 ILCS 200/10-245] and the method of valuation provided in this Part. [35 ILCS 200/10-250]
- c) Certification
For a rental apartment facility to be certified as a Section 515 low-income housing project, the owner must file an application for a Section 515 low-income housing project certificate with the State Director of the United States Department of Agriculture, Rural Development Office, in the form and manner prescribed in regulations issued by that office. If the application is approved, the office will issue to the owner a Section 515 low-income housing project certificate for that property. [35 ILCS 200/10-250]
- d) Submittal of Certificate to Local Assessment Office
For a Section 515 low-income housing project to be assessed under the method of valuation provided under subsection (e) of this Section, the owner must submit by the 1st day of April, for the year 2001 and thereafter, to the local assessment office a copy of the Section 515 low-income housing project certificate issued to him for that property, a copy of the financial statement for the applicable assessment year for that property filed with the United States Department of Agriculture, Rural Development Office, and any other information the local assessment office may request. [35 ILCS 200/10-250]
- e) Method of Valuation
- 1) Local assessment officers shall assess for local property tax purposes property that has been certified for the year of assessment as a Section 515 low-income housing project at 33 1/3% of the fair market value of its economic productivity to the owner. [35 ILCS 200/10-245]
 - 2) The fair market value of the property's economic productivity to the owner shall be determined by considering the actual or probable net operating income attributable to the project, using a vacancy rate of not more than 5%, capitalized at typical market rates for similar, non-subsidized property. [35 ILCS 200/10-245]
 - 3) In determining the net operating income attributable to the property, property taxes paid cannot be considered as an expense of any kind, and must be deducted if included as an expense in the financial statement, and income and expense items not pertaining to the real property itself cannot be considered in determining net operating income for purposes of valuation under this Part.
 - 4) For the purpose of determining the interest rate to be used in developing the overall market value capitalization rate for a

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Section 515 low-income housing project, local assessment officers shall use an interest rate that reflects the prevailing cost of cash for other types of commercial real estate in the geographic market area in which the Section 515 low-income housing project is located. [35 ILCS 200/10-245]

- 5) Local assessment officers shall use the effective tax rate as a component of the overall market capitalization rate for purposes of valuation under this Part.

f) Cancellation or Revocation of Certificate

In the event that a Section 515 low-income housing project certificate is cancelled or revoked, the local assessment officer shall assess the property described in the cancelled or revoked certificate for the applicable assessment year in accordance with the assessment procedures used for other commercial property in the county.

g) Address

The address to which an owner may submit an application for certification of property as a Section 515 low-income housing project is: State Director, Rural Development Office, United States Department of Agriculture, 1817 South Neil Street, Champaign, Illinois 61820.

(Source: Added at 25 Ill. Reg. 391, effective 1/26/00)

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- 1) Heading of the Part: Telecommunications Excise Tax

- 2) Code Citation: 86 Ill. Adm. Code 495

- 3) Section Numbers: 495.100
Adopted Action: Amendment

- 4) Statutory Authority: 35 ILCS 630

- 5) Effective Date of Amendments: December 26, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: September 8, 2000, 24 Ill. Reg. 13631

- 10) Has JCAR issued a Statement of Objections to these Amendments? No

- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Register Citation</u>
495.140	Amendment	11/17/00, 24 Ill. Reg. 17014

- 15) Summary and Purpose of Amendments: This rulemaking adds provisions concerning the Department's policy in respect to Internet access providers (they are generally not considered telecommunications retailers and their charges are generally not subject to tax).

- 16) Information and questions regarding this adopted amendment shall be directed to:

Gina Roccaforte
Associate Counsel

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Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the adopted amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 495
TELECOMMUNICATIONS EXCISE TAX

Section
495.100 Meaning of "Gross Charges"

495.100 Exemptions
495.110 Retailers
495.115 Interstate
495.120 Mobile Operations Reporting Option
495.125 Responsibility for Accounting and Payment of Tax
495.130 Credits
495.135 Tax Returns--When Due--Contents
495.140 Imposition of Telecommunications Excise Tax

AUTHORITY: Implementing the Telecommunications Excise Tax Act [35 ILCS 630] and authorized by Section 17 of the Telecommunications Excise Tax Act [35 ILCS 630/17].

SOURCE: Adopted at 14 Ill. Reg. 11321, effective July 1, 1990; amended at 21 Ill. Reg. 13658, effective September 29, 1997; amended at 22 Ill. Reg. 11886, effective July 1, 1998; amended at 24 Ill. Reg. 12082, effective July 28, 2000; amended at 25 Ill. Reg. 11321, effective July 1, 2001.

Section 495.100 Meaning of "Gross Charges"

- a) "Gross Charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money, whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service cost or any other expense whatsoever. (Section 2(a) of the Telecommunications Excise Tax Act (the Act) [35 ILCS 630/2(a)]. A retailer may provide services to customers which are not provided in connection with originating or receiving telecommunications. If such services are not necessary for or directly related to the retailer's provision of telecommunications to customers and the charges for such services are disaggregated and separately identified from other charges, the charges need not be included in "Gross Charges". Without limitation, examples of such services not included in "Gross Charges" are directory advertising; specialized designing and/or engineering services; specialized security measures; and consulting services.
- b) Gross Charges shall not include charges for customer equipment, including such equipment that is leased or rented by the customer from

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any source, wherein such charges are disaggregated and separately identified from other charges (Section 2(a)(4) of the Act). Customer equipment includes, but is not limited to, all items generally classified as customer equipment or terminal equipment, such as telephone instruments and station sets, dialers, modems, private branch exchanges (PBX's), inside wiring, facsimile machines, pagers and non-electronic associated items such as documentation, manuals and furniture. Such items of customer equipment, including maintenance and miscellaneous services may be leased, rented or sold to one customer or a group of customers without being included in the gross charges, but will be subject to Retailers' Occupation or Use Taxes. To be exempt, the charges for customer equipment must be disaggregated and separately identified from other charges in the books and records of the retailer.

c) *Gross charges does not include charges for the storage of data or information for subsequent retrieval or charges for the processing of data or information intended to change its form or content* (Section 2(a)(3) of the Act). Charges for answering services, for example, whether provided electronically or by live operators, represent charges for the storage of information or data for subsequent retrieval, and are not subject to tax, provided that these charges, if provided in connection with taxable telecommunications, are disaggregated and separately identified in the books and records of the retailer. Charges for automated data storage, retrieval and processing services or for the use of computer time or other equipment are not included in gross charges. Automated information retrieval or data processing charges are not included in gross charges. For example, a customer who accesses an on-line computer data base would not be subject to tax on the charge for the data processing or inquiry, but would be subject to tax on the charge for the transmission of the data. If a telecommunications retailer provides both transmission and data processing services, the charges for each must be disaggregated and separately identified in the books and records of the retailer.

d) *Value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission* are exempt (Section 2(c) of the Act). For example, the charges for computer data, protocol conversions which permit computers to exchange data, no matter which languages or protocols a computer's out-put may be in, and packet-switching, which groups data into packets for efficiency of transmission, would be exempt.

e) Advertising revenue either from directory sales (yellow pages) or from message additions to telecommunications service are not included in gross charges. For example, revenues from an advertising message preceding a time/weather call are not included in gross charges.

f) Contributions to a telethon fund-raising campaign are not included in gross charges.

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g) Gross charges shall include, but are not limited to, charges for unlisted or unpublished numbers, operator assistance, directory information, call-waiting, call-forwarding, and burglar alarm services provided by telecommunications retailers.

h) A caller located in Illinois who calls a 900 number and receives a billing for that call at his service address, will have made a call subject to Telecommunications Excise Tax. The invoice to the caller for a 900 number call need not separately state the line charge and tax thereon specifically. However, the telecommunications retailer is responsible for remitting the tax due on the line charge.

i) Gross charges shall include the transmission charges for premium services. Time/weather, gab line/party line and other public announcement services of information and entertainment, and charges for the message content or information of such services, are not included in gross charges.

Example: A call to a 900 code number is made to register an opinion in a poll. The caller is billed \$1.00. \$.80 is the transmission charge. \$.80 is included in gross charges.

j) Charges for billing and collection received by telecommunications retailers from persons selling services or products to the telecommunications retailer's customers, which are billed and collected by the telecommunications retailer, are not included in gross charges.

Example: A call to a 900 code number to sell a product is billed by the telecommunications retailer as follows:

\$25.00	service charge to caller for product or service
\$.30	call charge (15¢ call, 15¢ billing and collection)
\$.15	billing and collection charge is not included in gross charges
\$25.00	is not included in gross charges
\$.15	is included in gross charge

k) Billing and collections charges paid by persons selling services or products to telecommunications retailer's customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges.

l) Taxes imposed on consumers for community 911 service, life-line service or other services required by regulatory authorities or government are not includable in gross charges.

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m) Generally, persons that provide customers access to the Internet ("Internet Service Providers" or "ISPs") and who do not, as part of that service, charge customers for the line or other transmission charges that are used to obtain access to the ISP's server or other point of access, are not considered to be telecommunications retailers from these activities. This is the case so long as such ISPs do not, as part of their billing, charge customers for such line charges and instead pay their telecommunications suppliers all transmission costs that they incur in providing the Internet service. In this situation, an ISP's customer pays his telecommunications supplier for all transmission costs incurred while using the service. The single monthly fee charged by the ISP, which often represents a flat charge for a package of items including Internet access, e-mail, and electronic newsletters, would generally not be subject to tax. If, however, the ISP charges customers for line or other transmission charges, it should provide its telecommunications suppliers with Certificates of Resale and should collect and remit the tax. For example, if an ISP provides customers with Internet access, as described above, but also provides customers the use of a 1-800 service to access the ISP, and separately assesses customers per minute charges for the use of the 1-800 service, the ISP is considered a telecommunications retailer and incurs Telecommunications Excise Tax on the charges made for the 1-800 service. If the charges are not disaggregated as provided in subsection (c) above, all charges are subject to the Telecommunications Excise Tax.

(Source: Amended 11/1 at 25 Ill. Reg. 11.017, effective 1/1/01)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Numbers: Adopted Action:
 1650.410 Amended
 1650.415 New
 1650.620 Amended
 1650.630 Amend
 1650.635 New
 1650.640 Amended
 1650.641 New
 1650.650 Amended
 1650.660 Repealed
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]
- 5) Effective Date of Amendments: December 22, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 6, 2000, 24 Ill. Reg. 14634
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: The System has incorporated the changes recommended by the Joint Committee on Administrative Rules (JCAR) in its "Identical First Notice Line Numbered Version", as well as two additional changes made pursuant to a request from JCAR on November 20, 2000.
- 12) Have all the changes agreed upon by the agency and JCAR been as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Amendments: The rulemaking reorganizes the System's administrative review rules to make them more understandable to the TRS membership, and more fully clarifies existing TRS practices.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas S. Gray, Assistant General Counsel
Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-9253
(217) 753-0375

The full text of the adopted amendments begins on the next page:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYERS
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.201 Disability Benefits - Application Procedure
1650.202 Disability and Occupational Disability Benefits - Definitions
1650.203 Disability Retirement Annuity - Definitions
1650.204 Gainful Employment - Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary Rates
1650.210 Claim Applications
1650.211 Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220 Reclassification of Disability Claim (Repealed)
1650.221 When Member Becomes Annuitant
1650.222 Death Out of Service
1650.230 Medical Examinations and Investigations of Claims (Repealed)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment
 1650.250 Death Benefits
 1650.260 Evidence of Age
 1650.270 Reversionary Annuity - Evidence of Dependency
 1650.271 Evidence of Parentage
 1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability
 1650.280 Evidence of Marriage
 1650.290 Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section
 1650.310 Effective Date of Membership
 1650.320 Method of Calculating Service Credits
 1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
 1650.330 Duplicate Service Credit
 1650.340 Service Credit for Leaves of Absence
 1650.341 Service Credit for Involuntary Layoffs
 1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy
 1650.346 Service Credit for Periods Away From Teaching Due to Adoption
 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement
 1650.355 Purchase of Optional Service - Required Minimum Payment
 1650.356 Payroll Deduction Program
 1650.357 Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance
 1650.360 Settlement Agreements and Judgments
 1650.370 Calculation of Average Salary (Renumbered)
 1650.380 Definition of Actuarial Equivalent
 1650.390 Independent Contractors
 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade Application

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section
 1650.410 Return of Contributions for Duplicate or Excess Service
 1650.415 Return of Optional Increase in Retirement Annuity Contributions
 1650.420 Interest on Deficiencies (Repealed)
 1650.430 Installment Payments (Repealed)
 1650.440 Small Deficiencies, Credits or Death Benefit Payments
 1650.450 Definition of Salary
 1650.451 Reporting of Conditional Payments
 1650.460 Calculation of Average Salary
 1650.470 Rollover Distributions
 1650.480 Rollovers to the System

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SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section
 1650.505 Beneficiary (Repealed)
 1650.510 Re-entry Into Service
 1650.520 Suspension of Benefits
 1650.530 Power of Attorney
 1650.540 Conservators/Guardians
 1650.550 Presumption of Death
 1650.560 Benefits Payable on Death
 1650.570 Survivors' Benefits
 1650.571 Payment of Monthly Survivor Benefits to a Trust
 1650.575 Full-time Student - Receipt of Survivors Benefits Until Age 22
 1650.580 Evidence of Eligibility
 1650.590 Comptroller Offset
 1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section
 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section
 1650.610 Staff Responsibility
 1650.620 Right of Appeal
 1650.630 Form of Written Request
 1650.635 Presiding Hearing Officer - Duties and Responsibilities
 1650.640 Prehearing Procedure
 1650.641 Claims Hearing Committee Hearing Packet
 1650.650 Hearing Procedure
 1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section
 1650.710 Amendments
 SUBPART J: RULES OF ORDER

Section
 1650.810 Parliamentary Procedure

Section
 1650.910 Summary and Purpose
 SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

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1650.920 Definitions
 1650.930 Submission of Requests
 1650.940 Form and Content of FOIA Requests
 1650.950 Appeal of a Denial
 1650.960 Executive Director's Response to Appeal
 1650.970 Response to FOIA Requests
 1650.980 Inspection of Records at System Office
 1650.990 Copies of Public Records
 1650.995 Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section
 1650.1000 Nomination of Candidates
 1650.1010 Petitions
 1650.1020 Eligible Voters
 1650.1030 Election Materials
 1650.1040 Marking of Ballots
 1650.1050 Return of Ballots
 1650.1060 Observation of Ballot Counting
 1650.1070 Certification of Ballot Counting
 1650.1080 Challenges to Ballot Counting

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
 1650.1110 Definitions
 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
 1650.1112 Curing Minor Deficiencies
 1650.1113 Required Form
 1650.1114 Filing a QILDRO with the System
 1650.1115 Benefits Affected by a QILDRO
 1650.1116 Effect of a Valid QILDRO
 1650.1117 QILDROS Against Persons Who Became Members Prior to July 1, 1999
 1650.1118 Alternate Payee's Address
 1650.1119 Electing Form of Payment
 1650.1120 Automatic Annual Increases
 1650.1121 Reciprocal Systems QILDRO Policy Statement
 1650.1122 Providing Benefit Information for Divorce Purposes

SUBPART N: RETIREMENT BENEFITS

Section
 1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); and Section 5-15 of the

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective DEC 27 2000.

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.410 Return of Contributions for Duplicate or Excess Service

- a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, such contributions shall be returned to the member.
- b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement or death because the service is determined to be excess service, then the contributions for such excess service or a portion thereof may upon request be returned to the member or the member's beneficiaries.
- 1) The term "excess service" shall mean that period of service that would exceed the number of years of service:
- A) necessary for the member to receive the 75% maximum benefit under Section 16-133(e) of the Illinois Pension Code [40 ILCS 5/16-133(e)] if the member elected pursuant to Section 16-129.1 [40 ILCS 5/16-129.1] to upgrade the retirement benefit based upon pre-July 1998 service; or

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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B) allowed to be purchased under Section 16-127(b)(2) [40 ILCS 5/16-127(b)(2)].

24) ~~the return of contributions shall be limited to the amount attributable to the purchase of optional service under Section 16-127-40-1605-5/16-127.~~

25) To determine the amount of contributions to be returned to a member pursuant to subsection (b)(1)(B) of this Section, the System shall apply the following formula:

A) divide the total cost of all optional teaching service purchased by the member by the total amount of optional teaching service purchased.

B) multiply the resulting average cost of optional teaching service by the amount of excess service the member requests to be returned.

C) the resulting figure shall be the amount returned to the member at retirement.

3) The return of contributions under subsection (b)(1)(B) of this Section shall be limited to the amount attributable to the purchase of optional service under Section 16-127 [40 ILCS 5/16-127].

4) If a member elects to receive a return of contributions under subsection (b) of this Section, he or she may not utilize the optional service removed from the member's service record due to the return of contribution as a basis for receiving the 25% return of contributions for each year of service over 34 years provided in 40 ILCS 5/16-129.1.

54) No interest shall be payable upon the amount returned.

(Source: Amended at 25 Ill. Reg. 293, effective 1/1/2000)

Section 1650.415 Return of Optional Increase in Retirement Annuity Contributions

a) A member who has made contributions toward the optional increase in retirement annuity provided in 40 ILCS 5/16-129.1, and who determines such optional annuity increase is not in his or her best financial interest, may elect at retirement not to qualify for such increase in annuity and request a return of the member's optional increase in retirement annuity contributions from the System.

b) Upon such request, the member's optional increase in retirement annuity contributions will be returned to the member without interest.

(Source: Added at 25 Ill. Reg. 293, effective 1/1/2000)

SUBPART H: ADMINISTRATIVE REVIEW

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Section 1650.620 Right of Appeal

Any member, beneficiary, annuitant or employer may appeal a staff disposition of a claim or interpretation of the Act to the Board of Trustees within six months after the staff disposition or interpretation, by filing a written request for an administrative review with the Executive Director. The appeal will be scheduled to be heard at the next meeting of the Board's Claims Hearing Committee (Committee) having space on the agenda for such hearing. The Committee shall be composed of 3 members of the Board of Trustees, plus a designated alternate Trustee, all elected by the Board, and an attorney retained by the System to serve as the Committee's Presiding Hearing Officer. ~~The Committee shall be composed of three members of the Board, elected by the Board to serve on the Committee. The Board shall elect an alternate member from the Board to serve on the Committee in the absence of a member of the Committee. Any members member(s) of the Committee may be disqualified from hearing an appeal due to bias or conflict of interest in the appeal.~~

(Source: Amended at 25 Ill. Reg. 293, effective 1/1/2000)

Section 1650.630 Form of Written Request

A written request for an administrative review shall include the following information: set forth the name and address of the petitioner; the name and address of his or her authorized representative if applicable; a complete explanation of the factual and/or legal a brief statement of the facts forming the basis for the request, including relevant documentation supporting the petitioner's position; which must include any new or additional evidence, and the relief sought by the petitioner. ~~7 and a statement whether the petitioner wishes to appear at a hearing before the Claims Hearing Committee of the Board of Trustees. Such requests must be in writing and shall be granted.~~

(Source: Amended at 25 Ill. Reg. 293, effective 1/1/2000)

Section 1650.635 Presiding Hearing Officer - Duties and Responsibilities

The Presiding Hearing Officer of the Claims Hearing Committee shall have the following powers and duties and shall perform the following functions during administrative review proceedings.

a) Pre-hearing:

1) The Presiding Hearing Officer shall monitor and supervise the pre-hearing proceedings to ensure that the Committee is presented with the information necessary to make an informed and legally supported decision on the matters being presented for administrative review.

2) The Presiding Hearing Officer shall facilitate cooperation between the petitioner and the System's Legal Counsel in the

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- 3) The Presiding Hearing Officer shall ensure the timely exchange of exhibits, witness lists and testimony summaries.
- 4) The Presiding Hearing Officer shall rule on discovery requests.
- 5) The Presiding Hearing Officer shall establish pre-hearing position statements and briefing schedules.
- 6) The Presiding Hearing Officer shall make any necessary and appropriate inquiries or requests of the parties in order to assure that the Committee has the requisite information to rule on the issues raised by the claim.
- 7) The Presiding Hearing Officer shall develop hearing procedures that assure that the hearing process remains focused on pertinent issues while providing a full and fair hearing for the petitioner and the System. Whenever appropriate, the Presiding Hearing Officer shall encourage the parties to submit the matter to the Committee on the written record.
- 8) When appropriate, the Presiding Hearing Officer shall facilitate settlement of the claim prior to hearing.

b) Hearing:

- 1) The Presiding Hearing Officer shall preside at the administrative review hearing and shall assure that the proceedings remain focused on the issues to be decided by the Committee and that both the petitioner and the System are treated fairly and equally in the presentation of their respective positions.
- 2) The Presiding Hearing Officer shall ensure that the agreed upon hearing format is followed.
- 3) The Presiding Hearing Officer shall ensure that repetitious and irrelevant arguments and evidence are excluded.
- 4) The Presiding Hearing Officer shall make necessary and appropriate legal or evidentiary rulings.

(Source: Added at 25 Ill. Reg. 2003, effective 11/2/04)

Section 1650.640 Prehearing Procedure

- a) Upon written notice by the Presiding Hearing Officer, ~~System~~ a the petitioner, or his or her attorney, and the Legal Counsel for the System shall appear at a mutually agreeable time and place for a prehearing conference for the following purposes:
 - 1) The simplification of issues;
 - 2) The amendment of pleadings;
 - 3) The making of admissions of facts or stipulations for the purpose of avoiding the unnecessary introduction of evidence;
 - 4) Establishing the ~~The~~ procedure at the hearing;

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- 5) The limitation of the number of witnesses;
 - 6) The disclosure of all witnesses (expert and non-expert) to be called to testify at hearing;
 - 7) Disclosure of the substance of the testimony of all witnesses to be called;
 - 8) The exchange of all exhibits to be introduced at hearing; ~~and~~
 - 9) Establishing briefing schedules for the submission of position statements and accompanying documentation; and
 - 10) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- b) To the extent that the parties are unable to agree or stipulate to matters at the pre-hearing conference, the Presiding Hearing Officer shall make the rulings and determinations necessary to assure that the hearing, discovery, witnesses, evidence, and procedures prior to and at hearing remain focused on relevant and material matters. ~~The persons attending the prehearing conference may enter into a written stipulation as to matters decided in the prehearing conference. Failure to attend a prehearing conference or failure to adhere to rulings, schedules or agreements made at the pre-hearing conference may, in the discretion of the Presiding Hearing Officer, result in delay of the hearing or limitations on the presentation of certain positions or the use of certain evidence at the hearing. shall not diminish a person's right to a hearing, but may result in a delay of the hearing.~~
- c) If after the prehearing conference a party wishes to undertake further discovery, that party shall submit a written request to the Presiding Hearing Officer ~~Executive Director~~ and the other parties ~~party~~s) setting forth with sufficient particularity the information sought and the form of discovery requested. The Presiding Hearing Officer ~~Executive Director~~ shall grant such request upon determining the information is essential to the requesting party's case and the ~~Claims Hearing Committee's~~ full understanding of the issues presented. Any additional witnesses or exhibits identified during further discovery must be exchanged in writing by certified mail at least 14 days prior to hearing.
 - d) Any witnesses not disclosed or exhibits not exchanged at the prehearing conference or 14 days prior to hearing, if additional discovery is allowed, shall be barred at hearing unless good cause is shown for such failure to provide. At the discretion of the Presiding Hearing Officer, ~~Chairman of the Board's Claims Hearing Committee~~ a hearing may be postponed in the interest of fairness to allow a party time to investigate and prepare to respond to newly submitted evidence.
 - e) The parties may agree to submit the matter for the Committee's decision solely on the written record.
 - f) If, in the judgment of the Presiding Hearing Officer, the petitioner has not diligently pursued his or her claim, the Presiding Hearing Officer may find the petitioner to be in default and dismiss the

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petitioner's claim. Prior to dismissing a claim, however, the Presiding Hearing Officer shall provide the petitioner with an opportunity to show cause why the claim should not be dismissed. A dismissed claim may be re-filed within 6 months after the date of its dismissal, but shall be barred thereafter. A claim may not be re-filed after a second dismissal.

- e) Prior-to-any-meeting-of-the-Claims-Hearing-Committee-at-which-one-or more-administrative-reviews-are-scheduled-to-be-heard-the-Claims Hearing-Committee-shall-be-furnished-memoranda-prepared-by-the System's-staff-regarding-the-scheduled-administrative-review-cases7 which-shall-include:

- 1) A-statement-regarding-the-action-taken-by-the-staff-which-gave rise-to-the-review;
- 2) A-statement-of-the-petitioner's-objections-if-available;
- 3) The-basis-or-reasons-for-the-action-taken-by-the-staff;
- 4) A-statement-of-the-results-or-consequences-of-an-affirmative-or opposing-decision;
- 5) Supporting-documentary-evidence; and
- 6) Citations-to-the-applicable-statute-giving-rise-to-the-claim-or justifying-the-staff's-decision;

(Source: Amended at 25 Ill. Reg. 213, effective 11/12/2000)

Section 1650.641 Claims Hearing Committee Hearing Packet

- a) A hearing packet shall be submitted to the members of the Committee prior to the hearing on the claim, or alternatively, prior to submission of the matter for decision based solely upon the record. The hearing packet shall contain:

- 1) An agreed statement of issues, and if not agreed, the proposed issues statement of each party.
 - 2) An agreed statement of facts, and if not agreed, the proposed statement of facts of each party.
 - 3) The position statements of the parties, including the legal arguments being made and all applicable statutory, regulatory and case law in support of those arguments, and an analysis of all relevant documentary evidence and testimony to be given in support of each party's respective positions.
 - 4) Witness affidavits, if any.
 - 5) All exhibits to be presented at hearing.
- b) The System's position statement may also include an analysis of the results or consequences of a decision affirming or overturning the original staff disposition of the matter.

(Source: Added at 25 Ill. Reg. 213, effective 11/12/2000)

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Section 1650.650 Hearing Procedure

- a) All administrative review hearings shall be recorded by a court reporter.
- b) The Presiding Hearing Officer Chairperson of the Claims Hearing Committee (Committee) shall preside over the hearing and shall assure that the proceedings are consistent with any agreements or rulings on issues, evidence, witnesses or hearing format established prior to the hearing.

- 1) All agreed to or stipulated issues, facts, documents or exhibits shall be considered as evidence in the proceeding.
- 2) Witnesses, exhibits, evidence, issues or legal arguments not disclosed prior to the hearing shall be barred unless good cause is shown for the failure to provide such information to the other party. At the discretion of the Presiding Hearing Officer, the hearing may be postponed in order to allow a party time to investigate and prepare to respond to the new information.

- c) The Presiding Hearing Officer shall make the necessary and appropriate procedural and evidentiary rulings to assure that the proceedings remain focused on the issues to be resolved by the Committee.

- d) The rules of evidence shall not be strictly applied; however, the Presiding Hearing Officer shall apply the rules of evidence to assure production of relevant and material evidence and shall further assure that testimony is subjected to such examination and cross-examination as is necessary for a full and fair disclosure of the facts.

- 1) Irrelevant or unduly repetitious evidence shall be excluded.
- 2) All individuals testifying at the hearing shall be sworn.
- 3) Originals of documents may be introduced into evidence with leave to substitute copies.

- e) Hearings shall be of an informal nature:

- 1) The Chairperson shall direct all parties to enter their appearances on the record.
- 2) The parties may by written stipulation agree upon any facts or any issues involved in the proceeding.
- 3) The facts stipulated shall be considered as evidence in the proceeding.
- 4) Irrelevant material or unduly repetitious evidence shall be excluded.
- 5) Whenever possible, documents and exhibits may be introduced by stipulation of the parties. Originals of documents may be introduced into evidence with leave to substitute the originals with copies.
- 6) All parties shall be offered an opportunity to make oral arguments.
- 7) All individuals testifying shall be sworn.

ed) Order of Presentation

- 1) All written briefs, memoranda and evidence shall be submitted to the Committee in advance of the hearing.

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- 12) The System's Legal Counsel attorney shall present the System's position and evidence in support of that position ~~thereof~~.
- 23) The petitioner or his or her agent or attorney may then cross-examine any System ~~System's~~ staff testifying in support of the System's position.
- 34) Following the conclusion of the System's presentation of its position and cross-examination by the petitioner, the petitioner may present his or her witnesses and arguments.
- 45) Upon conclusion of the petitioner's presentation of his position, ~~argument~~ the System's Legal Counsel attorney may cross-examine any of the petitioner's witnesses or rebut any argument or new matter raised by the petitioner's presentation.
- 67) ~~New matters raised at the hearing may require postponement of the hearing until a later date to allow the parties to address the new issues raised.~~
- 57) Following the presentations of both the System ~~System's~~ staff or System ~~attorney~~ and the petitioner, any member of the Committee may ask questions necessary to clarify the Committee's understanding of the facts or law.
- (e) Upon conclusion of all arguments, the Committee shall decide, in private executive-session deliberations, on a recommendation as to the disposition of the appeal, which recommendation shall be communicated to the Board at its next regular meeting. The Executive Director of the System may be present during the Committee's deliberations.
- gf) The Committee shall arrive at one of three decisions regarding a recommendation to the Board:
- 1) A recommendation to affirm the administrative action.
 - 2) A recommendation to reverse the administrative action.
 - 3) A recommendation to remand the proceedings back to the administrative staff for further consideration.
- hg) The Committee shall direct that proposed Findings of Fact and Conclusions of Law reflecting the Committee's decision be prepared have ~~prepared~~ a Proposed Decision for consideration by the Board and the parties to the hearing.
- ih) Any party adversely affected by the Committee's proposed Findings of Fact and Conclusions of Law ~~Proposed Decision~~ shall have ~~fifteen--4~~ 15 days from receipt of the proposed Findings of Fact and Conclusions of Law ~~Proposed Decision~~ to file with the Board exceptions and a brief in support of their exceptions.
- j) At its next regular meeting following the time for filing exceptions, the Board of Trustees shall act on the proposed decision of the Committee by either:
- 1) Adopting the Findings of Fact and Conclusions of Law made by the Committee; or
 - 2) Rejecting, in whole or in part, the Findings of Fact and Conclusions of Law made by the Committee and directing that:
 - A) Revised Findings of Fact and Conclusions of Law be prepared to reflect the Board's decision; or

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- B) The matter be remanded to the Committee for further consideration; or
- C) The matter be remanded to the System staff for further consideration.
- k) The decision of the Board of Trustees shall be a final administrative decision for purposes of the Illinois Administrative Review Law [735 ILCS 5/Art. III].
- 47) ~~The Board of Trustees, at its next regular meeting following the time for filing exceptions, shall act on the recommendation and Proposed Decision of the Committee by adopting the recommendation or rejecting it with directions that the administrative action of the staff be affirmed or reversed (as the case may be) or that the proceedings be remanded to the staff for further consideration and by rejecting or adopting the Proposed Decision (with any changes required by the Board). The decision of the Board of Trustees shall be a final administrative decision for purposes of the Illinois Administrative Review Law [735 ILCS 5/].~~
- lj) The decision of the Board of Trustees shall be communicated to the petitioner in writing within 30 days after of the meeting at which the recommendation of the Committee was ~~and Proposed Decision~~ were acted upon.
- mk) The Board of Trustees may ~~shall~~ grant a rehearing or further written appeal ~~reappeal~~ for the purpose of considering new or additional evidence not previously available. The procedures set forth in this Section shall apply to such proceedings ~~rehearings~~.
- (Source: Amended at 25 Ill. Reg. ~~565~~, effective 11/12/93)

Section 1650.660 Rules of Evidence (Repealed)

~~Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but the chairperson shall apply rules of evidence designed to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be necessary for a full and true disclosure of the facts.~~

(Source: Repealed at 25 Ill. Reg. ~~565~~, effective 11/12/93)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Hospital Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 152

3) Section Numbers:
152.150
152.200
Emergency Action:
Amendment
Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 91-0712

5) Effective Date: January 1, 2001

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed with the Index Department: December 21, 2000

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments are being filed to implement certain budgetary constraints regarding hospital services and ambulatory surgical services under the Department's Medical Assistance Program. These changes are necessary because of a recent unanticipated escalation in related costs for Illinois' medical assistance clients. The emergency amendments will insure adequate coverage for essential services while keeping expenditures within appropriation limitations. Since these cost containment measures are a necessary component of the State's fiscal year 2001 budget implementation plan, these emergency amendments are being filed pursuant to Section 5-45 of Public Act 91-0712.

10) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules concerning hospital services are intended to implement certain budgetary constraints in response to recent related budgetary increases. These cost containment measures are intended to allow the maintenance of essential medical services while controlling costs and respecting appropriation limitations.

The Department's plan for controlling medical expenditures is directed to hospital inpatient and outpatient services and Ambulatory Surgical Treatment Centers (ASTCs). Under these emergency amendments, payments shall not exceed charges to the Department. These emergency amendments are not applicable to government owned or operated hospitals, children's hospitals, disproportionate share payments, payments for outlier costs or

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payments for Medicaid High Volume Adjustments.

As a result of these payment limitations affecting hospital inpatient and outpatient services, as well as ASTCs, the Department anticipates that annual expenditures will decrease by approximately \$33.2 million.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152

HOSPITAL REIMBURSEMENT CHANGES

Section

152.100 Reimbursement Add-on Adjustments (Repealed)

152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

EMERGENCY

152.200 Non-DRG Reimbursement Methodologies

EMERGENCY

152.250 Appeals (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16153, effective November 26, 1997; emergency amendment at 25 Ill. Reg. 2118, effective January 1, 2001, for a maximum of 150 days.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

EMERGENCY

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes described in subsections (b) and (c) of this Section will be effective January 18, 1994.

b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the

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indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).

c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect hereafter.

d) For hospital inpatient services rendered on or after July 1, 1995, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.

e) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 149 (DRG PPS), the changes described in this subsection (e) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined in at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 149.105 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 303, effective January 1, 2001, for a maximum of 150 days)

Section 152.200 Non-DRG Reimbursement Methodologies

EMERGENCY

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes described in subsection (b) of this Section will be effective January 18, 1994.

b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(a), (c) and (d), in effect on January 18, 1994 less the portion of such rates attributed by the Department to the cost of medical education, shall remain in effect hereafter.

c) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 148, Hospital Services, and 89 Ill. Adm. Code 146, Subpart A, Ambulatory Surgical Treatment Centers, the changes described in this subsection (c) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services and ambulatory surgical treatment services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 148.130 or payments

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for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 213, effective January 1, 2001, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY REPEALER

1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs

2) Code Citation: 77 Ill. Adm. Code 510

<u>Section Numbers:</u>	<u>Proposed Action:</u>
510.20	Repealer
510.40	Repealer
510.60	Repealer
510.70	Repealer
510.80	Repealer
510.90	Repealer
510.100	Repealer
510.110	Repealer
510.120	Repealer
510.130	Repealer
APPENDIX A	Repealer
APPENDIX B	Repealer
APPENDIX C	Repealer

4) Statutory Authority: Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]

5) Effective date of emergency repealer: January 1, 2001

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: January 1, 2001

8) A copy of the adopted repealer is on file in the Department's principal office and is available for public inspection.

9) Reason for emergency: This emergency repealer is being adopted to implement Public Act 91-828, effective January 1, 2001, which transfers the responsibility for breath, blood and urine testing program from the Illinois Department of Public Health to the Department of State Police. The Illinois State Police plans to adopt emergency rules to implement the program under their authority on January 1, 2001. Therefore, the Department of Public Health needs to repeal its rules on the same date to accomplish a smooth transition of the program.

The breath, blood and urine testing program is an important program that is essential to enforcement of "driving under the influence" (DUI) laws in Illinois. In order for the test results to be used in court, tests must be conducted in compliance with the law and administrative rules. An immediate adoption of rules by the State Police on January 1, 2001, accompanied by a repeal of the Department's rules, will help to assure

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that the program continues to operate effectively as the transfer of authority takes place. Failure to effect a smooth transition of this program would create a threat to the public health, safety and welfare. Any failure of either State agency to transfer the program effectively on January 1, 2001, could affect the use of the tests and test results in DUI cases. Therefore, it is necessary that the Department of Public Health repeal these rules effective January 1, 2001.

10) A complete description of the subjects and issues involved: The Department is repealing rules implementing the breath, blood and urine testing program authorized by the Illinois Vehicle Code. The program is being transferred to the Department of State Police on January 1, 2001, in accordance with Public Act 91-828. The rules include requirements for licensing of testing instrument operators; requirements for operation of the instruments; a listing of approved instruments; and requirements for approval of laboratories and laboratory technicians.

11) Are there any proposed amendments on this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

13) Information and questions regarding this repealer shall be directed to:

Paul Thompson
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

The full text of the Emergency Repealer begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY REPEALER

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 510

TESTING OF BREATH, BLOOD AND URINE FOR ALCOHOL AND/OR OTHER DRUGS
(REPEALED)

Section	
510.10	Authority (Repealed)
510.20	Definitions
EMERGENCY	
510.30	Construction of Rules (Repealed)
510.40	Evidential Instruments for Analyzing the Alcohol Content of Breath
EMERGENCY	
510.50	Assaying of Ampoule Solutions (Repealed)
510.60	Operation of Approved Breath Analysis Instruments
EMERGENCY	
510.70	Licensing of Operator
EMERGENCY	
510.80	Requirements for Renewal of License
EMERGENCY	
510.90	Revocation and Denial of License
EMERGENCY	
510.100	Examining and Certifying Instruments
EMERGENCY	
510.110	Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or other Drug Content
EMERGENCY	
510.120	Approval of Laboratories and Laboratory Technicians
EMERGENCY	
510.130	Preliminary Breath Screening Test Units (PRTs)
EMERGENCY	
APPENDIX A	Sample Logbook Sheet
EMERGENCY	
APPENDIX B	List of Illinois Approved Evidential Breath Analysis Instruments
EMERGENCY	
APPENDIX C	List of Illinois Approved Preliminary Breath Analysis Instruments
EMERGENCY	

AUTHORITY: Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2].

SOURCE: Filed September 18, 1972; new rules adopted at 5 Ill. Reg. 14152, effective January 1, 1982; rules repealed at 6 Ill. Reg. 365, effective January 1, 1982; amended at 7 Ill. Reg. 1917, effective January 28, 1983; codified at 8 Ill. Reg. 14271; amended at 9 Ill. Reg. 9154, effective June 3, 1985; amended at 12 Ill. Reg. 20211, effective December 1, 1988; amended at 14 Ill. Reg.

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19052, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 612, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 7718, effective May 1, 1991; amended at 19 Ill. Reg. 7412, effective June 1, 1995; emergency amendment at 21 Ill. Reg. 13381, effective September 30, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7680, effective April 15, 1998; emergency repealer at 25 Ill. Reg. 3203, effective January 1, 2001, for a maximum of 150 days.

Section 510.20 Definitions**EMERGENCY**

Agency -- County, Municipal, State or Federal law enforcement agency, involved in the use of a breath analysis instrument.

Alcohol -- ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

Alcohol Concentration -- either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. (Section 11-501.2(a) of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)])

Certified Controlled Reference Sample -- a reference of known concentration prepared by a laboratory certified by the Department and used solely for the purpose of test instrument certification and/or calibration.

Department -- the Illinois Department of Public Health.

Director -- the Director of the Illinois Department of Public Health.

Foreign Substance -- any substance not presently in the subject's body, excluding those due to normal breathing.

Inert Stopper -- a stopper that contains no substance(s) that will interfere with the analysis of blood or urine for alcohol and/or other drugs when measured against a certified controlled reference sample.

Ingested -- eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, snorted, sprayed or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.

Inspector -- a licensed breath analysis instrument operator, who through specialized training is authorized by the Department to examine, certify, and maintain breath analysis instruments and to administer practical examinations to the operators.

Instruments -- any item or combination of items of equipment approved

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by the Department and used to make a measurement of breath alcohol concentrations by breath analysis.

License -- evidence issued by the Department to an individual as proof of his/her authority and competence to operate a breath analysis instrument.

Logbook -- a written business record maintained by the agency of tests performed by operators and monthly accuracy checks performed by inspectors in accordance with this Part on each instrument for use in court (see Section 510. Appendix A, Sample Logbook Sheet).

Operator -- any individual licensed by the Department to operate a breath analysis instrument.

Other Qualified Person -- a person trained and employed by a licensed medical facility or affiliate as a phlebotomist regardless of job title. (Section 11-501.2(a) of the Illinois Vehicle Code)

phlebotomist -- a person who uses venipuncture to collect blood from another individual.

W/V -- weight of alcohol in the volume of blood, breath, or certified controlled reference sample.

Section 510.40 Evidential Instruments for Analyzing the Alcohol Content of Breath**EMERGENCY**

a) Any evidential breath testing instrument to be approved must automatically display the test results visually to the arrested person and provide for an automatically printed test record. Each printed recording shall also contain an automatically printed record of the reading of the testing device made immediately prior to the recording of the tested person. Each instrument shall be designed to protect against or report radio frequency and acetone impacts on the instrument's analytical process.

b) Breath testing instruments to be approved in Illinois must be listed in the Conforming Products Lists of Evidential Breath Measuring Devices prepared by the National Highway Traffic Safety Administration of the U. S. Department of Transportation and published in the Federal Register, Vol. 59, No. 76, Wednesday, April 20, 1994, pp. 18839-18840, no further amendments or editions included. For further information, contact your local federal depository library or Office of Alcohol and State Programs, NTS-21, 400 Seventh Street SW, Washington, DC 20590; Telephone: (202)366-9825.

c) Instruments which meet the provisions of subsections (a) and (b) of this Section will be tested and approved by the Department in

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accordance with but not limited to the Standards for Devices to Measure Breath Alcohol promulgated by the National Highway Traffic Safety Administration, U.S. Department of Transportation in the Federal Register, Vol. 49, No. 242, Friday, December 14, 1984, pp. 48854-48872, or Federal Register, Vol. 58, No. 179, Friday, September 17, 1993, pp. 48705-48710, no further amendments or editions included. A review of such approval shall occur at periodic intervals not to exceed five years. The list of approved evidential breath analysis instruments can be found in Section 510.60 Appendix B.

d) Any manufacturer who sells evidential breath analysis instruments to an agency or the Department in Illinois shall report to the Department all such sales, listing the name of the agency, the date, the make, and serial number of the instrument.

Section 510.60 Operation of Approved Breath Analysis Instruments**EMERGENCY**

Procedures for breath alcohol analysis shall include the following requirements in conjunction with the testing of each subject:

- a) Continuous observation of the subject shall be conducted for at least 20 minutes prior to collection of the breath specimen, during which period the subject shall be deprived of alcohol or a foreign substance, i.e., must not have ingested alcohol, and shall not have regurgitated or vomited.
 - 1) If the subject regurgitates or vomits during the observation (deprivation) period, the process shall be started over by having the individual rinse the oral cavity with water. If the individual continues to regurgitate or vomit, blood and/or urine testing shall be considered.
 - 2) The arresting agency shall decide if a blood and/or urine specimen is to be requested.
- b) A breath test shall consist of only one breath analysis.
- c) Before a breath analysis is completed, a room-air analysis must be conducted, the results of which must be less than 0.01 reading.
- d) Each test shall be performed according to an operational procedure approved by the Department, which shall be based upon but not limited to the manufacturer's recommended testing procedure.

Section 510.70 Licensing of Operator**EMERGENCY**

- a) To be eligible for license examination to qualify as an operator of a breath analysis instrument, the individual shall be employed by an agency or the Department, and shall have completed a training curriculum approved by the Department. This training curriculum shall include a minimum of 32 hours of instruction, which includes the following:
 - 1) Presentation, discussion, and demonstration of the psychological,

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physiological and pharmacological effects of alcohol in the human body;

- 2) Theory of instruments used in the analytical process which measures alcohol concentration;
- 3) Practical application in the use of the instrument.
- b) An individual to be licensed under this Part shall pass (minimum passing score, 70 percent) the standardized written Examination for Breath Test Operator/Instructor provided by the Department and satisfactorily complete the uniform practical proficiency examination administered by an inspector assigned by the Department.
- c) Termination of License
 - 1) A license shall be valid for a period of 24 months from the date of issuance. If the license is not renewed as provided for in Section 510.80 of this Part, it shall terminate 24 months from the date of issuance.
 - 2) A license shall automatically terminate when the licensee/operator is no longer employed by an agency or the Department.
- d) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating and air conditioning conditions.
- e) An operator currently licensed under another jurisdiction may apply for licensure in Illinois provided that he has successfully completed training that equals or exceeds the requirements specified in this Section. Upon approval of the application by the Department, the applicant must successfully complete an approved review course as stipulated under Section 510.80(b)(4).
- f) If the licensee/operator changes employment, he/she shall immediately notify the Department. If the licensee/operator resigns from an agency and is employed by another approved agency prior to the date the license terminates, the Department shall reissue the license to that operator for the remainder of the period of the previous license.
- g) Instructor Qualifications
 - 1) Instructors of courses designed to qualify persons for a license to conduct breath analysis for alcohol shall have successfully completed a 32-hour course in compliance with subsections (a)(1), (2) and (3) of this Section.
 - 2) Any person desiring to qualify as an instructor shall have at least three years experience as a licensed breath analysis instrument operator, and shall submit an application to the Department on a prescribed form listing all technical and educational background.
 - 3) Persons desiring to qualify as an instructor shall successfully pass the written examination with a minimum grade of 70 percent. This examination shall be administered by the Department. It shall contain questions on the subjects of the psychological, physiological and pharmacological effects of alcohol, and the theory of instruments approved for use in Illinois to conduct an

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analysis by breath for alcohol in the human body. The prospective instructor must also demonstrate the ability to operate all breath analysis instruments certified for use in Illinois in accordance with operational procedures approved by the Department.

- 4) The Department shall establish locations for instructor qualification examinations in Chicago, Springfield and Carbondale, and shall hold such examinations at least annually.
- 5) All qualified instructors shall be re-licensed biannually. In each 24 month period the instructor shall demonstrate to an Inspector of the Department the ability to operate all breath analysis instruments certified for use in Illinois in accordance with operational procedures approved by the Department. The instructor shall also successfully pass the written examination with a minimum grade of 70 percent. The re-licensing examination shall consist of questions on the theory of instruments used in Illinois, and the psychological, physiological and pharmacological effects of alcohol on the human body.
- 6) The license of an instructor shall be denied or revoked for the following reasons:
 - A) Inability to pass a practical or written examination;
 - B) Distribution or unauthorized release of student examination questions;
 - C) Dismissal from the agency of employment;
 - D) The instructor is no longer employed by a group conducting an approved curriculum.
- 7) The process of denial, revocation, and appeal shall follow the procedure as specified in Section 510.30(c)(1), (2), and (3), (d), and (e) of this Part.

Section 510.80 Requirements for Renewal of License

EMERGENCY

- a) Within a two-year period each operator must complete the following:
 - 1) Review of theory and practice with the instrument;
 - 2) Review of standards and procedures;
 - 3) Discussion of current and related problems in the field;
 - 4) Successfully pass both the standardized written examination provided by the Department and the uniform practical proficiency examination administered by an inspector assigned by the Department.
- b) The Department will designate sites and dates for retraining classes and notify the head of the agency by letter which operators shall attend. Designation of sites and scheduling of classes will be arranged to minimize travel.
- c) Retraining classes will be held in locations approved by the Department based upon appropriate lighting, space, heating and air conditioning conditions.

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Section 510.90 Revocation and Denial of License
EMERGENCY

- a) The following are grounds for the revocation of a license issued to the operator of a breath analysis instrument:
 - 1) Misuse of the instrument by the operator in such a way that the operator is in violation of State statutes or this Part.
 - 2) Upon receipt of a complaint to the Department, a licensed operator may be subject to review by an inspector in the operation of the instrument using a certified controlled reference sample, at which time his failure or refusal to perform analysis properly may be grounds for license revocation upon such recommendation of the inspector.
 - 3) Dismissal of the operator from the employing agency.
- b) A renewal of a license under Section 510.80 or reissuance of a license pursuant to Section 510.70(f) may be denied for the following reasons:
 - 1) Any grounds for revocation set forth in Section 510.90(a).
 - 2) Failure to comply with Section 510.80(a).
- c) Notice of administrative hearing and summary suspension:
 - 1) In any action to revoke or deny a license the Department shall give the operator a notice of an opportunity for an administrative hearing as provided for in the Illinois Administrative Procedure Act [5 ILCS 100] and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
 - 2) If the Department finds that the public interest, safety or welfare imperatively requires emergency action, the Department shall incorporate a finding to that effect in an order summarily suspending a license pending proceedings for revocation or denial of license. The administrative proceeding shall be promptly instituted and determined.
 - 3) If the Department orders the summary suspension of a license, a copy of the Order shall be accompanied by a notice of an opportunity for an administrative hearing.
- d) The administrative hearing provided for in subsection (c) of this Section shall be conducted by a Hearing Officer who is a person designated in writing by the Director to conduct the hearing.
- e) The Illinois Administrative Procedure Act and the Department's Rules of Practice and Procedure in Administrative Hearings shall govern the administrative hearings provided for in subsection (c) of this Section.

Section 510.100 Examining and Certifying Instruments

EMERGENCY

- a) An instrument must be accurate within plus or minus 0.01% W/V to be certified. To determine accuracy of instruments, an inspector shall perform two analyses on a certified controlled reference sample at

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least once a month at intervals not to exceed 45 days. The inspector shall record test results of his certification in the instrument logbook (see Appendix A of this Part). The original certification test results will be retained by the inspector.

b) Breath analysis instruments used shall be examined and certified by an inspector:

- 1) Prior to being placed in operation; or
- 2) After being repaired or recalibrated.

c) All agencies are to have their breath analysis instrument and logbook available for examination by an inspector.

d) An operational procedure approved pursuant to Section 510.60(d) shall be at each instrument location.

e) An inspector must be notified when an agency has a malfunctioning instrument that needs repair.

Section 510.110 Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or other Drug Content EMERGENCY

a) Blood Collection. When a person is arrested and the arresting officer requests a blood test to determine the amount of alcohol or other drugs present, the blood sample shall be collected according to the following procedure(s)

- 1) The blood sample shall be collected in the presence of the arresting officer or other representative of the arresting officer's agency who can authenticate the sample.

2) The blood sample shall be collected by a *physician authorized to practice medicine, a registered nurse, or other qualified person trained in venipuncture (a phlebotomist) and acting under the direction of a licensed physician.* (Section 11-501.2(a) of the Illinois Vehicle Code)

3) Disinfectant. A disinfectant containing no alcohol or other volatile organic substance shall be used to clean the skin where a specimen is to be collected.

4) Equipment for Collection of Blood Samples

- A) Vacuum type blood collecting containers shall be used.
- B) Two tubes will be collected, each containing an anticoagulant/preservative that will not interfere with the intended analytical method.

C) Labeling and care of blood samples

- i) The individual containers shall be labeled to provide the following information: Name of accused; date and time of collection; collecting attendant; authorizing officer's signature or initials and agency identification; and anticoagulant/preservative.

ii) The identity and integrity of the sample shall be maintained through collection to analysis and

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reporting.

D) The blood samples shall be delivered directly to a laboratory certified by the Department. (See Section 510.120.)

E) The testing laboratory shall use one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of six months if sufficient sample is submitted.

b) Blood and urine samples shall be tested to determine the concentration of alcohol and/or other drugs present by a laboratory method acceptable in a court of law.

c) Urine collection, if drugs other than alcohol are suspected.

1) A urine specimen of approximately 30 ml should accompany the blood sample, but shall not be submitted in lieu of the blood sample.

2) The urine sample shall be collected from the accused's first emptying of the bladder in a clean, dry container.

3) Approximately equal volumes shall be dispensed directly into two identical containers. No preservatives shall be used. The containers shall be closed with inert stoppers.

4) Each of the containers shall be labeled and provide the following information:

- A) Name of accused;
- B) Date and time of collection;
- C) Collecting attendant;
- D) Authorizing officer's signature or initials and agency identification.

d) Urine collection, if a blood alcohol could not be determined from other biological sources.

1) A urine sample should be considered only when other methods to determine equivalent alcohol concentration in the blood are not practicable, due to the condition of the individual. A specimen of urine, when collected, shall be collected in a manner to preserve the dignity of the individual and to insure the integrity of the sample. When a person is arrested and the arresting officer requests a urine test, the urine sample should be collected according to the following procedures:

A) Urine samples shall be collected in the presence of the arresting officer or a representative of the arresting officer's agency who can authenticate the sample. The officer or representative shall be of the same sex as the subject undergoing testing.

B) For alcohol analysis only, the accused shall empty his/her bladder, and the urine shall be discarded. One-half hour later the accused shall again be requested to empty the bladder, and the specimen shall be collected in a clean, dry container and dispensed in approximately equal volumes directly into two containers. No preservative shall be

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used. The containers shall be closed with inert stoppers.
 C) Each of the containers shall be labeled and provide the following information:

- i) Name of accused;
- ii) Date and time of collection;
- iii) Collecting attendant;
- iv) Authorizing officer's signature or initials and agency identification.

2) The identity and integrity of the samples shall be maintained through collection to analysis and reporting.

A) The urine samples shall be delivered directly to a laboratory certified by the Department. (See Section 510.120.)

B) The testing laboratory shall utilize one container for the appropriate analysis; the second container shall be retained by that laboratory for a period of six months if sufficient sample is submitted.

e) Reporting Results. The original analysis report shall be returned to the submitting agency only. A duplicate copy shall be retained in the testing laboratory for two years. All laboratories shall submit to the Department all analyses results of blood and/or urine for alcohol, drug content, and age of individual on a quarterly basis using electronic data transfer techniques. The data will be used only for statistical purposes. Results are to be submitted to the Department's Alcohol and Substance Testing Program, 525 West Jefferson, Springfield, Illinois 62761; Telephone: (217)782-1571.

f) When the accused requests an additional chemical analysis, the person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. (Section 11-501.2(a) of the Illinois Vehicle Code) The test must be conducted in accordance with procedures in subsections (a) through (c) of this Section except those provisions which require the presence and signature of the arresting officer or his/her representative and those provisions in subsection (a)(2) of this Section.

Section 510.120 Approval of Laboratories and Laboratory Technicians**EMERGENCY**

a) Only laboratories certified by the Department and that employ technicians who work under the supervision of a pathologist, toxicologist, or other person who has at least five years experience in the specialty of analytical chemistry may be deemed qualified to detect and or quantitate alcohol and/or other drugs in human biologic fluids. The Laboratory Director shall be responsible for the accuracy of all laboratory testing performed in the laboratory. The following conditions must be met by laboratories:

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1) Prior to initial laboratory certification, and at least annually thereafter, the Department shall request the demonstration of proficiency in the performance of the tests by the laboratory through the satisfactory examination of specimens submitted by the Department for this purpose or by participation in a program or programs of proficiency testing conducted by an agency or agencies approved by the Department.

2) An applicant for certification under this Part shall furnish evidence of competent supervision by a person who meets the qualifications set forth in subsection (a) of this Section.

b) Upon evidence that a laboratory has complied with subsection (a) of this Section, a letter of certification listing those technicians authorized to perform appropriate tests shall be issued, and such certification shall be valid for twelve months from the date of issuance by the Department. It may be renewed from year to year upon submission by the holder of the certification of evidence that he continues to perform laboratory analyses for alcohol and/or other drug content in human biologic fluids under the supervision of a person meeting the qualifications set forth in subsection (a) of this Section and upon the Department's determination that the laboratory is complying with subsection (b) of this Section.

Section 510.130 Preliminary Breath Screening Test Units (PBTs)**EMERGENCY**

a) Preliminary breath test units are portable electrically or battery powered units, used to determine if alcohol is present in the tested subject's breath.

b) Preliminary breath test units offered for sale anywhere within the State to law enforcement agencies must be approved by the Department (see Section 510.130 Appendix C). No instrument shall be given approval if it demonstrates an error in excess of plus or minus .01. Any instrument that is not approved after initial testing shall be re-tested at the request of the manufacturer.

c) Preliminary breath test units shall be utilized by law enforcement agencies in accordance with the manufacturer's specifications and operating procedures.

d) Units listed as Digital will indicate breath alcohol levels by numeric indication on a visible screen.

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Section 510.APPENDIX C List of Illinois Approved Preliminary Breath Screening Analysis Instruments
EMERGENCY

MANUFACTURER	MODEL	DIGITAL
CMI, Inc Owensboro, KY	S-D2	X
Intoximeters, Inc St. Louis, MO	Alcosensor II Alcosensor III Alcosensor IV	X X X

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1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds

2) Code Citation: 20 Ill. Adm. Code 1286

Section Numbers:	Emergency Action:
1286.10	New Section
1286.20	New Section
1286.30	New Section
1286.40	New Section
1286.50	New Section
1286.60	New Section
1286.70	New Section
1286.80	New Section
1286.90	New Section
1286.100	New Section
1286.110	New Section
1286.120	New Section
1286.130	New Section
1286.140	New Section
1286.150	New Section
1286.160	New Section
1286.170	New Section
1286.180	New Section
1286.200	New Section
1286.210	New Section
1286.220	New Section
1286.230	New Section
1286.240	New Section
1286.250	New Section
1286.300	New Section
1286.310	New Section
1286.320	New Section
1286.330	New Section
1286.340	New Section
1286.350	New Section

4) Statutory Authority: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b].

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Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

- 5) Effective Date of Rules: January 1, 2001
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: December 21, 2000
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 91-828 transferred rulemaking authority from the Department of Public Health to the Illinois State Police. The proposed rules have been filed with the Administrative Code Division but will not be adopted in time to meet the January 1, 2001, effective date. These emergency rules ensure there will be no lapse in regulatory authority with respect to this crucial law enforcement activity.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking will replace and supercede the administrative rules previously adopted under the authority of the Department of Public Health.
- 11) Are there any proposed amendments to this Part pending: No

- 12) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 13) Information and questions regarding this rule shall be directed to:

Lieutenant Michael D. McIntosh
Deputy Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658
Fax: (217) 524-5743

The full text of the emergency rules begins on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1286

TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section	Definitions
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1286.20	Grievances
EMERGENCY	
1286.30	Additional Testing
EMERGENCY	
1286.40	Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50	Passive Sensors
EMERGENCY	
1286.60	Department Notification
EMERGENCY	
1286.70	Maintenance of Records for Approved Evidentiary Instruments
EMERGENCY	
1286.80	Approved Evidentiary Instrument and Logbook Availability
EMERGENCY	
1286.90	Reporting Laboratory Results
EMERGENCY	

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

1286.100	Licensing BAOs
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1286.110	Renewal of BAO License
EMERGENCY	
1286.120	Revocation and Denial of BAO License
EMERGENCY	
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1286.150	Accrediting BAIs
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1286.170	Certification of Laboratories and Laboratory Technicians

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EMERGENCY
1286.180 Revocation and Denial of Laboratory Certification
EMERGENCY

SUBPART C: EQUIPMENT

1286.200 Equipment Approval and Accuracy
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1286.210 Evidentiary Instrument Approval
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1286.220 Verifying Approved Evidentiary Instruments
EMERGENCY
1286.230 Checking Approved Evidentiary Instruments for Accuracy
EMERGENCY
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EMERGENCY
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EMERGENCY

SUBPART D: SAMPLING PROCEDURES

1286.300 General Sampling Protocol
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1286.310 Approved Evidentiary Instrument Operation
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1286.320 Withdrawal of Blood for Chemical Analysis of Alcohol, Drugs or
EMERGENCY Intoxicating Compounds
1286.330 Urine Collection for Determining the Presence of Drugs or
EMERGENCY Intoxicating Compounds Other than Alcohol
1286.340 Urine Collection for Determining the Concentration of
EMERGENCY Urine Alcohol
1286.350 Operation of PBTs
EMERGENCY

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. _____, 24 0

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effective January 1, 2001, for a maximum for 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1286.10 Definitions
EMERGENCY

"Accuracy Check Record" means the data recorded by a BAT when an accuracy check is performed on an approved evidentiary instrument. Accuracy test records will include at least the type of instrument, instrument serial number, test date, test time, reference sample value, BAT, and the readings of the two accuracy check tests.

"Agency" means a Municipal, Park District, County, State or Federal law enforcement agency, involved in the use of approved evidentiary instruments or PBTs.

"Alcohol" means ethanol, commonly referred to as grain alcohol, ethyl alcohol, alcoholic beverage, or alcoholic liquor.

"Alcohol Concentration" means weight in grams of alcohol in a specified volume of blood, breath, or urine.

"Approved Evidentiary Instrument" means an instrument approved for use by the Department to obtain a BrAC pursuant to a breath test as described under Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a], Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501], Section 11-501.1 of the Illinois Vehicle Code [625 ILCS 5/11-501.1], Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2], Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], and Sections that incorporate by reference Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2].

"Approved PBT" means an instrument approved for use by the Department either to obtain a BrAC pursuant to a preliminary breath screening test as described under Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5], Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5], Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b] and Sections that incorporate by reference Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5] or to obtain a BrAC pursuant to a breath test as described under Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], and Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8].

"Blood Alcohol Concentration" or "BAC" means grams of alcohol per 100 milliliters of whole blood.

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"Breath Alcohol Concentration" or "BrAC" means grams of alcohol per 210 liters of breath (Section 11-501.2(a)5 of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)5]).

"Breakdown" means a malfunction that affects the analytical performance of the instrument or its ability to quantitate a BrAC.

"Breath Analysis Instructor" or "BAI" means an individual who is accredited by the Department to instruct breath analysis instrument operations and to train and administer licensing examinations to BAOs.

"Breath Analysis Operator" or "BAO" means an individual licensed by the Department to operate approved evidentiary instruments and to create subject test records. BAOs can print local reports, perform basic maintenance (i.e., replace a fuse), and make minor adjustments (i.e., correct the date/time).

"Breath Analysis Reading" means the numeric value of the first two digits to the right of the decimal point of a BrAC analysis as displayed, printed, or recorded by an instrument.

"Breath Analysis Technician" or "BAT" means an individual who is authorized by the Department to install, examine, certify, verify, repair, maintain, check the accuracy of approved evidentiary instruments, and to create accuracy check records and service records.

"Central Repository" means the collection of business records maintained by the Department in the normal course of business of subject test records, accuracy check records, and service records.

"Certified Paramedic" means an individual licensed by the Illinois Department of Public Health as an Emergency Medical Technician (Intermediate) or Emergency Medical Technician (Paramedic) acting under the direction of a licensed physician as a phlebotomist.

"Department" means the Illinois Department of State Police.

"Director" means the Director of State Police.

"Foreign Substance" means any substance not in the subject's body when a 20-minute observation period is commenced, excluding those introduced due to normal breathing.

"Ingested" means eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, snorted, sprayed, or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.

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"Instrument" means any item or combination of items of equipment used to quantitate a breath analysis reading.

"Internal Memory" means the digital storage medium that is part of an approved evidentiary instrument which registers subject test records, accuracy check records, and service records.

"License" means a permit issued as evidence by the Department to an individual as proof of his or her authority and competence as a BAO, BAT, or BAI.

"Logbook" means a business record maintained by the agency in the normal course of business of subject test records, accuracy check records, and service records.

"Malfunction" means failure of an instrument to function properly.

"NHTSA's List" means the Conforming Products List of Evidential Breath Measuring Instruments produced by the National Highway Traffic Safety Administration, United States Department of Transportation.

"Other Qualified Person" means a person trained and employed by a licensed medical facility or affiliate acting under the direction of a licensed physician, as a phlebotomist, regardless of job title.

"Passive Sensor" means a unit which monitors ambient air for the presence of alcohol for an investigative purpose.

"Phlebotomist" means a person who uses venipuncture to collect blood from another individual.

"Preliminary Breath Test Device" or "PBT" means a portable device used to quantitate a breath analysis reading.

"Reference Sample" means either a solution for use in a breath simulator or a dry gas mixture for the purpose of instrument certification, verification, accuracy checks, and/or calibration.

"Service Record" means the data recorded by a BAT when an approved evidentiary instrument is verified. Service records will include at least the type of instrument, instrument serial number, date of service, time of service, service issue reported, service issue found, probable cause of service issue, corrective action taken, and BAT. Service records, as defined herein, do not include information other than that which can be recorded in instrument memory or the central repository (i.e., a document such as a bill for repairs of an approved evidentiary instrument is not a service record).

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"Subject Test Record" means the data recorded by a BAO when a subject is tested with an approved evidentiary instrument. Subject test records will include at least the type of instrument, instrument serial number, name of individual tested, test date, test time, breath analysis reading, and BAO.

"Urine Alcohol Concentration" or "UAC" means the number of grams of alcohol per 67 milliliters of urine (Section 6-500(c) of the Illinois Vehicle Code [625 ILCS 5/6-500(c)]).

"Whole Blood Equivalent" means the conversion of a blood serum or blood plasma alcohol concentration to an approximate BAC.

Section 1286.20 Grievances EMERGENCY

Aggrieved persons who wish to contest the Department's actions with respect to their BAO license, BAT authorization, BAI accreditation, or laboratory certification shall follow general hearing procedures outlined in 20 Ill. Adm. Code 1200.

Section 1286.30 Additional Testing EMERGENCY

Should a subject choose to undergo additional chemical analysis, the person tested may have a *physician*, or a *qualified technician*, *chemist*, *registered nurse*, or *other qualified person of their own choosing* administer a *chemical test* or *tests in addition to any administered at the direction of a law enforcement officer* (Section 11-501.2(a)3 of the Illinois Vehicle Code).

- a) The additional test(s) must be conducted in a manner as close as practicable to the procedures in this part.
- b) Persons wishing to have additional tests administered shall make their own arrangements for such tests.
- c) Any additional testing conducted pursuant to this Section shall be at the subject's expense and subsequent to the posting of bond.

Section 1286.40 Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent EMERGENCY

The blood serum or blood plasma alcohol concentration result will be divided by 1.18 to obtain a whole blood equivalent.

Section 1286.50 Passive Sensors EMERGENCY

Passive sensors are not regulated by the Department.

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Section 1286.60 Department Notification EMERGENCY

a) Agencies shall notify the Department:

- 1) If an approved evidentiary instrument needs service.
- 2) If the agency receives an approved evidentiary instrument or PBT from an entity other than the manufacturer.

b) BAOs shall notify the Department:

- 1) If the BAO leaves the employment of the agency which employed the BAO.
- 2) If the BAO changes his or her name.
- c) Certified laboratories shall notify the Department of any change in accreditation status.
- d) Any manufacturer who sells an approved evidentiary instrument or a PBT to an agency in Illinois shall notify the Department of all such sales, listing the name of the agency, the date, the make, and serial number of the instrument.

Section 1286.70 Maintenance of Records for Approved Evidentiary Instruments EMERGENCY

Subject test records, accuracy check records, and service records will be maintained for each approved evidentiary instrument.

- a) Subject test records and accuracy check records must be maintained in a logbook, unless the agency has obtained written permission from the Department to maintain the records for a particular instrument in the instrument memory and/or the central repository.
- b) Logbook entries will be made in the logbook as contemporaneous as reasonably practicable to the time the procedure was performed.
- c) Malfunctions that are not breakdowns will not be documented.
- d) Permission to maintain records in instrument memory can only be obtained for instruments equipped with sufficient internal memory to store 100 subject test records and which can download stored information to the central repository.
- e) All records removed from the internal memory of an instrument shall be downloaded to the central repository.
- f) The central repository will maintain instrument records for not less than five years from the date downloaded.

Section 1286.80 Approved Evidentiary Instrument and Logbook Availability EMERGENCY

- a) All agencies shall have their approved evidentiary instruments available for examination by a BAT.
- b) All agencies shall have the logbooks for their approved evidentiary instruments available for examination by a BAT.

Section 1286.90 Reporting Laboratory Results

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- a) Laboratories shall return the original analysis report of the blood or urine sample to the submitting agency only.
- b) Laboratories shall retain a duplicate copy of the analysis report in the testing laboratory for two years.
- c) Laboratories shall submit to the Department all blood and/or urine test results for alcohol concentration or the presence of other drugs or intoxicating compounds along with the age and sex of the individuals on a quarterly basis. When practicable, results are to be submitted to the Department's Breath Alcohol Training Section in an electronic data transfer method approved by the Department.

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section 1286.100 Licensing BAOs**EMERGENCY**

The Director's designee is authorized to license persons to be BAOs subject to the requirements of this Section. BAOs are licensed to perform all appropriate BAO functions described in this Part.

- a) To be eligible to be a BAO, the individual must be employed by an agency.
- b) Under the direction and control of a BAI, BAO candidates must:
 - 1) Complete a training curriculum approved by the Department that includes a minimum of 32 hours of instruction, which includes the following:
 - A) Presentation and discussion of the psychological, physiological, and pharmacological effects of alcohol in the human body;
 - B) Demonstration and discussion of instruments and the analytical processes used to measure BrAC;
 - C) Practical application and demonstration in the use of an approved evidentiary instrument; and
 - D) Discussion of current DUI issues, the administrative rules, and case law.
 - 2) Pass the following:
 - A) The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent.
 - B) A proficiency examination where the candidate operates approved evidentiary instruments.
- c) A license expires on the date printed on the license. A license shall be valid for three years.
- d) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions.

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- e) Persons licensed as BAOs on December 31, 2000 by the Department of Public Health will be deemed to be licensed under this Part until expiration of their Department of Public Health license.

Section 1286.110 Renewal of BAO License**EMERGENCY**

The Director's designee is authorized to renew BAO licenses subject to the requirements of this Section. An individual with a renewed BAO license is a BAO. A renewed BAO license shall be subject to the same terms and conditions as an original BAO license.

- a) BAO license renewal candidates must either successfully attend the renewal course and pass the written renewal examination or successfully complete the computer-based training course.
 - 1) Under the direction and control of a BAI, BAO renewal candidates attending the renewal course must:
 - A) Complete a training curriculum approved by the Department which includes the following:
 - i) Review of theory and practice with an approved evidentiary instrument;
 - ii) Review of administrative rules as contained in this Part; and
 - iii) Review of current and related problems in the field.
 - B) Pass the following:
 - i) The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent; and
 - ii) A proficiency examination where the candidate operates an approved evidentiary instrument.
 - 2) The computer-based BAO license renewal course will:
 - A) Review subject matter similar to the classroom instruction;
 - B) Provide a practical examination that the BAO license renewal candidate must pass; and
 - C) Provide an objective examination that the BAO license renewal candidate must pass with a minimum score of 70 percent.
- b) A BAO license that has either been revoked or been expired for more than one year cannot be renewed. To become licensed again, the individual must complete the initial licensure course.
- c) The Department will designate sites and dates for renewal courses.
- d) Renewal courses will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions.
- e) The renewal of a BAO license issued by the Department of Public Health will be conducted as if the Department of Public Health license was a BAO license issued under this Part.

Section 1286.120 Revocation and Denial of BAO License

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The Director's designee may revoke a BAO license or deny BAO licensing. Grounds for BAO license revocation and denial can be, but are not limited to:

- a) Misuse of an instrument by the BAO in such a way that he or she violated State law or this Part.
- b) Unauthorized testing of the analytical system of an instrument.
- c) Unauthorized attempts to access instrument memory.
- d) Failure to comply with Section 1286.100.
- e) Failure to notify the Department the BAO has changed his or her name from what it was when the license was issued.
- f) Failure to notify the Department the BAO is no longer employed by the agency which employed the BAO.
- g) Failure to comply with Department direction with regard to correcting their BAO license information subsequent to a change in employment or name.
- h) Relocating approved evidentiary instruments without Department approval.
- i) Anything deemed by the Director or designee not in the best interest of the program.

Section 1286.130 Authorization of BATS
EMERGENCY

The Director's designee is authorized to authorize persons to be BATS subject to the requirements of this Section. BATS are authorized to perform all appropriate BAT functions described in this Part.

- a) BATS must be BAOs and meet all BAO licensing requirements.
- b) The candidate must display knowledge and understanding through specialized training in all of the following areas:
 - 1) Psychological, physiological, and pharmacological effects of alcohol in the human body;
 - 2) Proficiency on all approved evidentiary instruments and the analytical processes used to measure BrAC;
 - 3) Maintenance, calibration, and repair procedures on all approved evidentiary instruments; and
 - 4) Knowledge of current DUI issues, the administrative rules, and case law.
- c) Under the direction and control of the Director's designee, BAT candidates must pass a proficiency examination for each approved evidentiary instrument.
- d) A BAT's authorization period coincides with his or her BAO license term. The Director's designee will evaluate the appropriateness of renewing the BAT authorization when the BAO license is renewed. Other than keeping their BAO license current, BATS are not required to retake the examination in subsection (c) of this Section to retain their authorization as a BAT.
- e) The Department will maintain a list of authorized BATS.

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- f) A person certified as a BAT by the Department of Public Health on December 31, 2000 is deemed authorized as a BAT under this Part until December 31, 2003 or until his or her BAO license expires, whichever is later.

Section 1286.140 Revocation and Denial of BAT Authorization
EMERGENCY

The Director's designee may revoke or deny authorization to a BAT. Grounds for revocation or denial of BAT authorization can be, but are not limited to:

- a) Any grounds for revocation set forth in Section 1286.120.
- b) Failure to comply with Section 1286.130.
- c) Anything deemed by the Director or designee not in the best interest of the program.

Section 1286.150 Accrediting BAI
EMERGENCY

The Director's designee is authorized to accredit persons to be BAIs subject to the requirements of this Section. BAIs are accredited to perform all appropriate BAI functions described in this Part.

- a) The BAIs must be BAOs and meet all BAO licensing requirements.
- b) The candidate must display knowledge and understanding through specialized training in all of the following areas:
 - 1) Psychological, physiological, and pharmacological effects of alcohol in the human body;
 - 2) Proficiency on all approved evidentiary instruments and the analytical processes used to measure BrAC;
 - 3) Maintenance, calibration, and repair procedures on all approved evidentiary instruments; and
 - 4) Knowledge of current DUI issues, the administrative rules, and case law.
- c) Under the direction and control of the Director's designee, BAI candidates must pass the following:
 - 1) The written breath analysis operator's examination with a minimum score of 100 percent;
 - 2) The written breath analysis instructor's examination with a minimum score of 90 percent; and
 - 3) A proficiency examination for each approved evidentiary instrument.
- d) A BAI accreditation period coincides with his or her BAO license term. The Director's designee will evaluate the appropriateness of renewing the BAI accreditation when the BAO license is renewed. Other than keeping their BAO license current, BAIs are not required to retake the examinations in subsection (c) to retain their accreditation.
- e) The Department will maintain a list of accredited BAIs.
- f) A person certified as a BAI by the Department of Public Health on December 31, 2000 is deemed accredited as a BAI under this Part until

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December 31, 2003 or until his or her BAO license expires, whichever is later.

Section 1286.160 Revocation and Denial of BAI Accreditation EMERGENCY

The Director's designee may revoke or deny accreditation to a BAI. Grounds for revocation or denial of BAI accrediting can be, but are not limited to:

- a) Any grounds for revocation set forth in Section 1286.120.
- b) Failure to comply with Section 1286.150.
- c) Anything deemed by the Director or designee not in the best interest of the program.

Section 1286.170 Certification of Laboratories and Laboratory Technicians EMERGENCY

The Director's designee is authorized to certify laboratories and laboratory technicians subject to the requirements of this Section.

- a) Only laboratories which employ technicians who work under the supervision of a pathologist, toxicologist, or other person who has at least five years experience in the specialty of analytical chemistry may be deemed qualified to detect and/or quantitate alcohol and/or other drugs in human biological fluids will be certified by the Department. The Laboratory Director shall be responsible for the accuracy of all laboratory testing performed in the laboratory. The following conditions must be met by laboratories:

- 1) Prior to initial laboratory certification, and at least biannually thereafter, the Department shall request the demonstration of proficiency in the performance of the tests by the laboratory through the satisfactory examination of specimens by participation in a program of proficiency testing conducted by an agency or agencies approved by the Department.

- A) The Laboratory Director will advise the Department of the proficiency testing program in which it is participating and the program's standards and testing protocols. The Department will review the information and determine acceptability.

- B) The laboratory will direct the proficiency testing agency to forward a copy of the laboratory's testing results and evaluations to the Department after each testing cycle.

- 2) A candidate for certification under this Part shall furnish evidence of competent supervision by a person who meets the qualifications set forth in this Section.

- b) Upon evidence that a laboratory has complied with this Section, a letter of certification listing those technicians certified to perform appropriate tests shall be issued, and such certification shall be valid for two calendar years. It may be renewed upon submission by the holder of the certification of evidence that the laboratory

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continues to perform analyses for alcohol concentration and/or other drug content on human biological fluids under the supervision of a person meeting the qualifications set forth in this Section and upon the Department's determination that the laboratory is complying with subsection (a)(1) of this Section.

- c) Laboratories and technicians certified by the Department of Public Health on December 31, 2000 shall be deemed certified under this Part until December 31, 2001.

Section 1286.180 Revocation and Denial of Laboratory Certification EMERGENCY

The Director's designee may revoke or deny certification of a laboratory or a laboratory technician. Grounds for revocation or denial of laboratory certification can be, but are not limited to:

- a) Change in laboratory accreditation status.
- b) Failure to comply with Section 1286.170.
- c) Anything deemed by the Director or designee not in the best interest of the program.

SUBPART C: EQUIPMENT

Section 1286.200 Equipment Approval and Accuracy EMERGENCY

The procedures contained in this Subpart are the only procedures for establishing the accuracy of breath testing instruments. A rebuttable presumption exists that an instrument was accurate at the particular time a subject test was performed when the following four conditions are met:

- a) The instrument was approved under this Subpart at the time of the subject test.
- b) The performance of the instrument was within the accuracy tolerance described in this Subpart according to the last accuracy check or verification (whichever is later) prior to the subject test.
- c) No accuracy check has been performed subsequent to the subject test or the performance of the instrument on the next accuracy check after the subject test was within the accuracy tolerance described in this Subpart.
- d) Accuracy checks or verifications have been done in a timely manner, meaning:

- 1) Not more than 62 days have passed since the last accuracy check or verification (whichever is later) prior to the subject test;

or

- 2) The period of time between the last accuracy check or verification (whichever is later) prior to the subject test, and the next accuracy check after the subject test, is not more than 62 days.

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**Section 1286.210 Evidentiary Instrument Approval
EMERGENCY**

Approved evidentiary instruments shall print or display a breath analysis reading. Approved evidentiary instruments can print or display two or three digits to the right of the decimal point. Whether the approved evidentiary instrument prints or displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

a) The Department shall only approve evidentiary instruments enumerated in NHTSA's list. The Department approves the following instruments for obtaining breath analysis readings:

- 1) Intoxilyzer 5000, Series 64 and 66 only, manufactured by CMI, Inc.
- 2) Intox EC-IR, all models, manufactured by Intoximeters, Inc.
- 3) RBT IV, all models, manufactured by Intoximeters, Inc.
- b) Should an instrument in subsection (a) be removed from NHTSA's list, the instrument will remain an approved evidentiary instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.

c) The Department may temporarily approve additional evidentiary instruments enumerated on NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of evidentiary instruments temporarily approved for breath testing in addition to those provided in subsection (a). Evidentiary instruments may be temporarily approved for a maximum period of 18 months. The list of temporarily approved evidentiary instruments, if any, shall be available to the public.

**Section 1286.220 Verifying Approved Evidentiary Instruments
EMERGENCY**

The accuracy of all approved evidentiary instruments used to obtain a breath analysis reading from a subject shall be verified by a BAT.

- a) Verification is required:
 - 1) Prior to being placed in operation;
 - 2) After a breakdown has been repaired; and/or
 - 3) When an approved evidentiary instrument fails to quantitate the two required accuracy check tests within plus or minus 0.01 BrAC.
- b) Approved evidentiary instruments must quantitate the reference sample within plus or minus 0.01 BrAC to be certified accurate. Accuracy beyond the second digit to the right of the decimal point is not required.
- c) Approved evidentiary instruments shall be adjusted by a BAT when necessary to cause them to quantitate the reference sample within plus or minus 0.01 BrAC.
- d) The verification results shall be recorded in the instrument's logbook or internal memory, or in the central repository.

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e) Each approved evidentiary instrument certified accurate by the Department of Public Health on December 31, 2000 is deemed verified under this Part until the instrument breaks down or it fails to quantitate the two required accuracy check tests within plus or minus 0.01 BrAC.

**Section 1286.230 Checking Approved Evidentiary Instruments for Accuracy
EMERGENCY**

To ensure the continued accuracy of approved evidentiary instruments, a BAT shall perform accuracy checks.

- a) Checks shall be performed at least once every 62 days.
- b) Checks shall consist of at least two tests of the instrument in which the instrument quantitates a reference sample.
- c) Approved evidentiary instruments must quantitate a reference sample within plus or minus 0.01 BrAC. Accuracy beyond the second digit to the right of the decimal point is not required.
- d) The accuracy check results shall be recorded in the instrument's logbook or internal memory, or in the central repository.
- e) Each approved evidentiary instrument certified accurate by the Department of Public Health on December 31, 2000 is deemed accurate under this Part until February 28, 2001.

**Section 1286.240 PBT Approval
EMERGENCY**

PBTs shall display a breath analysis reading. PBTs can display two or three digits to the right of the decimal point. Whether the PBT displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve PBTs enumerated in NHTSA's list. The Department approves the following PBTs for obtaining breath analysis readings:
 - 1) S-02, manufactured by CMI, Inc.
 - 2) Alcosensor III, manufactured by Intoximeters, Inc.
 - 3) Alcosensor IV, manufactured by Intoximeters, Inc.
- b) The Department may temporarily approve additional PBTs from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of PBTs temporarily approved for screening instrument testing in addition to those provided above. PBTs may be temporarily approved for a maximum period of 18 months. The list of temporarily approved PBTs, if any, shall be available to the public.

**Section 1286.250 Checking Approved PBTs for Accuracy
EMERGENCY**

PBTs shall be checked for accuracy by a technician or an individual specially

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trained to perform PBT accuracy checks at least once every 93 days. To be accurate, the PBT must quantitate a reference sample within plus or minus 0.01 BrAC. Accuracy beyond the second digit to the right of the decimal point is not required.

SUBPART D: SAMPLING PROCEDURES

Section 1286.300 General Sampling Protocol EMERGENCY

The arresting officer has discretion to determine whether a subject will be required to submit a breath, blood, and/or urine sample for testing.

- a) If the subject has been in a vehicle crash and must be treated or is currently being treated by a physician licensed to practice medicine for injuries sustained in the crash, the arresting officer will consult with the treating physician to determine how best to test the subject without unreasonably jeopardizing the subject's treatment.
- b) The arresting officer or BAO shall deem a subject who fails to submit to a requested test or additional testing to have refused testing.
- c) When a subject has submitted an insufficient sample or otherwise failed to adequately complete a requested test or tests, the arresting officer or BAO has discretion to determine if the subject:
 - 1) has refused testing; or
 - 2) will be required to undergo additional testing.
- d) The procedures contained in this Subpart are the only procedures required to obtain a valid breath, blood, and/or urine sample. There are no additional sampling procedures.

Section 1286.310 Approved Evidentiary Instrument Operation EMERGENCY

The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved evidentiary instrument:

- a) Prior to obtaining a breath analysis reading from a subject, the BAO or another agency employee shall continuously observe the subject for at least 20 minutes.
 - 1) During the 20 minute observation period the subject shall be deprived of alcohol and foreign substances and shall not have regurgitated or vomited.
 - 2) If the subject regurgitates or vomits during the observation (deprivation) period, the process shall be started over by having the individual rinse the oral cavity with water.
 - 3) If the individual continues to regurgitate or vomit, alternate testing shall be considered.
- b) After starting the instrument's breath test sequence, the BAO will obey instrument prompts. When prompted by the instrument, the BAO shall direct the subject to blow into the instrument. The subject shall be directed to keep blowing into the instrument until he or she

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has submitted an adequate breath sample. Once an adequate breath sample is collected, the instrument shall complete the test cycle and print or display the breath analysis reading.

- c) A breath test shall consist of only one breath analysis reading, based on the instrument's internal operational calculations.

- 1) A complete and valid breath analysis reading is denoted by at least one air blank, one subject breath test reading, and no breakdown message.
- 2) Messages such as "refusal," "insufficient sample," "inadequate sample," etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete a requested test or tests.

Section 1286.320 Withdrawal of Blood for Chemical Analysis of Alcohol, Drugs or Intoxicating Compounds EMERGENCY

The following procedures shall be used to obtain a blood sample from a subject to determine the alcohol concentration, or presence of other drugs or intoxicating compounds:

- a) The blood sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample.
- b) The blood sample shall be collected by a physician authorized to practice medicine, a registered nurse, a trained phlebotomist or certified paramedic, or other qualified person acting under the direction of a licensed physician (Section 11-501.2(a) of the Illinois Vehicle Code).
- c) A disinfectant shall be used to clean the skin where a sample is to be collected.
- d) Officers shall use DUI kits provided by the Department, if possible. If kits are not available, officers may submit two standard grey top vacuum tubes. (Pursuant to generally accepted industry standards, grey top vacuum tubes contain an anticoagulant and preservative.)
- e) The individual tubes shall be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.
- f) The blood samples shall be delivered as soon as practicable to a laboratory certified by the Department (see Section 1286.170).
- g) The testing laboratory shall maintain any remaining sample for a period of six months after testing.

Section 1286.330 Urine Collection for Determining the Presence of Drugs or Intoxicating Compounds Other than Alcohol EMERGENCY

The following procedures shall be used to obtain a urine sample from a subject to determine the presence of drugs or intoxicating compounds other than alcohol:

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- a) A sample of urine shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.
- b) A urine sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample. The officer or agency employee shall be of the same sex as the subject undergoing testing.
- c) A urine sample of approximately 60 ml should be collected.
- d) The urine sample shall be collected from the subject's first emptying of the bladder in a clean, dry container.
- e) No preservatives shall be used. The containers shall be closed.
- f) The container shall be labeled with the name of the subject and the date of the collection.
- g) The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.
- h) The testing laboratory shall maintain any remaining sample for a period of six months after testing.

Section 1286.340 Urine Collection for Determining the Concentration of Urine Alcohol EMERGENCY

UAC testing is not a preferred method of determining the amount of alcohol in a subject's system and the feasibility of other testing procedures should be explored before determining to conduct UAC testing. The following procedures shall be used to obtain a urine sample from a subject to determine UAC:

- a) A sample of urine shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.
- b) A urine sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample. The officer or agency employee shall be of the same sex as the subject undergoing testing.
- c) The subject shall empty his or her bladder, and the urine shall be discarded or used as a sample for Section 1286.330.
- d) One-half hour later, the accused shall again be requested to empty the bladder, and the sample of about 60 ml shall be collected in a clean, dry container.
- e) No preservative shall be included in the container. The container shall be closed.
- f) The container shall be labeled with the name of the subject and the date of the collection.
- g) The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.
- h) The testing laboratory shall maintain any remaining sample for a period of six months after testing.

Section 1286.350 Operation of PBTS EMERGENCY

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The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved PBT:

- a) Each test shall be performed according to an operational procedure programed into the instrument.
- b) A test shall consist of only one breath analysis reading, based on the PBT's internal operational calculations.
 - 1) A complete and valid breath analysis reading is denoted by at least one air blank, one subject breath test reading, and no breakdown message.
 - 2) Messages such as "NoGo," "VOID," ">400," etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete the test.
- c) A subject who submits an insufficient sample or otherwise fails to adequately complete the test or tests may be asked to submit to an additional test or tests.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as listed. This listing includes only the waterbodies for which water quality criteria have been used during the period August 1, 2000 through October 31, 2000.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; and 24 Ill. Reg. 14428, September 29, 2000.

Chemical: Acenaphthene

CAS #83-32-9

Acute criterion: 124 ug/l

Chronic criterion: 9.9 ug/l

Date criteria derived:

November 14, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Acetone

Acute criterion: 1,530 mg/l

Date criteria derived:

May 25, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Acetonitrile

Acute criterion: 375 mg/l

Date criteria derived:

December 7, 1993

Applicable waterbodies:

Not used during this period.

CAS #75-05-8

Chronic criterion: 30 mg/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Acrylonitrile CAS #107-13-4
Acute criterion: 910 ug/l
Human health criterion
(HNC): 0.21 ug/l
Date criteria derived:
November 13, 1991
Applicable waterbodies:

Chronic criterion: 73 ug/l

Not used during this period.

Chemical: Anthracene

Human health criterion

(HNC): 35 mg/l

Date criteria derived:

August 18, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzene

Acute criterion: 1,300 ug/l

Human health criterion

(HNC): 21 ug/l

Date criteria derived:

August 15, 1990, revised

January 14, 1999

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)anthracene

Human health criterion

(HNC): 0.01 ug/l

Date criteria derived:

August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)pyrene

Human health criterion

(HNC): 0.01 ug/l

Date criteria derived:

August 10, 1993

Applicable waterbodies:

CAS #50-32-8

CAS #56-55-3

CAS #71-43-2

Chronic criterion: 110 ug/l

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Not used during this period.

Chemical: Benzo(b)fluoranthene
Human health criterion
(HNC): 0.01 ug/l
Date criteria derived:
August 10, 1993
Applicable waterbodies:

CAS #205-99-2

Not used during this period.

Chemical: Benzo(k)fluoranthene
Human health criterion
(HNC): 0.01 ug/l
Date criteria derived:
August 10, 1993
Applicable waterbodies:

CAS #207-08-9

Not used during this period.

Chemical: Carbon tetrachloride
Acute criterion: 3,500 ug/l
Human health criterion
(HNC): 1.4 ug/l
Date criteria derived:
June 18, 1993
Applicable waterbodies:

CAS #56-23-5

Chronic criterion: 280 ug/l

Not used during this period.

Chemical: Chlorobenzene
Acute criterion: 993 ug/l
Date criteria derived:
December 11, 1991
Applicable waterbodies:

CAS #108-90-7

Chronic criterion: 79 ug/l

Not used during this period.

Chemical: Chloroform
Acute criterion: 1,870 ug/l
Human health criterion
(HNC): 130 ug/l
Date criteria derived:
October 26, 1992
Applicable waterbodies:

CAS #67-66-3

Chronic criterion: 150 ug/l

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Not used during this period.

Chemical: Chrysene
Human health criterion
(HNC): 0.01 ug/l
Date criteria derived:
August 10, 1993
Applicable waterbodies:

CAS #218-01-9

Not used during this period.

Chemical: 1,2-dichlorobenzene
Acute criterion: 210 ug/l
Date criteria derived:
December 1, 1993
Applicable waterbodies:

CAS #95-50-1

Chronic criterion: 16.8 ug/l

Not used during this period.

Chemical: 1,3-dichlorobenzene
Acute criterion: 500 ug/l
Date criteria derived:
July 31, 1991
Applicable waterbodies:

CAS #541-73-1

Chronic criterion: 196 ug/l

Not used during this period.

Chemical: 1,2-dichloroethane
Acute criterion: 24,900 ug/l
Human health criterion
(HNC): 23 ug/l
Date criteria derived:
March 19, 1992
Applicable waterbodies:

CAS #107-06-2

Chronic criterion: 4,540 ug/l

Not used during this period.

Chemical: 1,1-dichloroethylene
Acute criterion: 3,030 ug/l
Human health criterion
(HNC): 0.95 ug/l
Date criteria derived:
March 20, 1992
Applicable waterbodies:

CAS #75-35-4

Chronic criterion: 242 ug/l

Not used during this period.

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 2,4-dichlorophenol
 Acute criterion: 631 ug/l
 Date criteria derived:
 November 14, 1991
 Applicable waterbodies:

CAS #120-83-2
 Chronic criterion: 83.1 ug/l

Not used during this period.

Chemical: 1,2-dichloropropane
 Acute criterion: 4,800 ug/l
 Date criteria derived:
 December 7, 1993
 Applicable waterbodies:

CAS #78-87-5
 Chronic criterion: 380 ug/l

Not used during this period.

Chemical: 1,3-dichloropropylene
 Acute criterion: 99 ug/l
 Date criteria derived:
 November 13, 1991
 Applicable waterbodies:

CAS #542-75-6
 Chronic criterion: 7.9 ug/l

Not used during this period.

Chemical: 2,4-dimethyl phenol
 Acute criterion: 740 ug/l
 Date criteria derived:
 October 26, 1992
 Applicable waterbodies:

CAS #105-67-9
 Chronic criterion: 220 ug/l

Not used during this period.

Chemical: 4,6-dinitro-o-cresol =
 2-methyl-4,6-dinitrophenol
 Acute criterion: 28.8 ug/l
 Date criteria derived:
 November 14, 1991
 Applicable waterbodies:

CAS #534-52-1
 Chronic criterion: 2.3 ug/l

Not used during this period.

Chemical: 2,4-dinitrophenol
 Acute criterion: 85.3 ug/l
 Date criteria derived:
 December 1, 1993
 Applicable waterbodies:

CAS #51-28-5
 Chronic criterion: 4.07 ug/l

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Not used during this period.

Chemical: 2,6-dinitrotoluene
 Acute criterion: 1,910 ug/l
 Date criteria derived:
 February 14, 1992
 Applicable waterbodies:

CAS #606-20-2
 Chronic criterion: 153 ug/l

Not used during this period.

Chemical: Diquat
 Acute criterion: 1,330 ug/l
 Chronic criterion: 106 ug/l
 Date criteria derived:
 January 30, 1996
 Applicable waterbodies:

CAS #85-00-7

Not used during this period.

Chemical: Ethylbenzene
 Acute criterion: 220 ug/l
 Date criteria derived:
 August 15, 1990, revised
 May 17, 1991
 Applicable waterbodies:

CAS #100-41-4
 Chronic criterion: 17 ug/l

Not used during this period.

Chemical: Fluoranthene
 Human health criterion
 (HTC): 120 ug/l
 Date criteria derived:
 August 10, 1993
 Applicable waterbodies:

CAS #206-44-0

Not used during this period.

Chemical: Formaldehyde
 Acute criterion: 4.9 mg/l
 Date criteria derived:
 January 19, 1993
 Applicable waterbodies:

CAS #50-00-0
 Chronic criterion: 0.39 mg/l

07140204-0732/off Little Silver Creek

Chemical: Hexachlorobenzene

CAS #118-74-1

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Human health criterion

(HNC): 0.0025 ug/l

Date criteria derived:

November 15, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobutadiene

Acute criterion: 34.5 ug/l

Date criteria derived:

March 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Hexachloroethane

Acute criterion: 381 ug/l

Human health criterion

(HNC): 2.9 ug/l

Date criteria derived:

November 15, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Isobutyl alcohol =

2-methyl-1-propanol

Acute criterion: 434 mg/l

Date criteria derived:

December 1, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Methylene chloride

Acute criterion: 17,200 ug/l

Human health criterion

(HNC): 340 ug/l

Date criteria derived:

January 21, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Methyl ethyl ketone

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Acute criterion: 322,000 ug/l

Chronic criterion: 26,000 ug/l

Date criteria derived:

July 1, 1992

Applicable waterbodies:

Not used during this period.

Chemical: 4-methyl-2-pentanone

Acute criterion: 46 mg/l

Date criteria derived:

January 13, 1992

Applicable waterbodies:

Not used during this period.

Chemical: 2-methyl phenol

Acute criterion: 4.7 mg/l

Date criteria derived:

November 8, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 4-methyl phenol

Acute criterion: 670 mg/l

Date criteria derived:

January 13, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Naphthalene

Acute criterion: 670 ug/l

Date criteria derived:

November 7, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 4-nitroaniline

Acute criterion: 1.5 mg/l

Date criteria derived:

May 5, 1996

Applicable waterbodies:

Not used during this period.

CAS #100-01-6

Chronic criterion: 0.12 mg/l

CAS #91-20-3

Chronic criterion: 68 ug/l

CAS #106-44-5

Chronic criterion: 120 mg/l

CAS #95-48-7

Chronic criterion: 0.37 mg/l

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Nitrobenzene
 Acute criterion: 15.4 mg/l
 Human health criterion
 (HTC): 0.52 mg/l
 Date criteria derived:
 February 14, 1992
 Applicable waterbodies:
 Not used during this period.

CAS #98-95-3
 Chronic criterion: 4.67 mg/l

Chemical: Pentachlorophenol
 Acute criterion: 20 ug/l
 Date criteria derived:
 national criterion,
 September 1986
 Applicable waterbodies:
 Not used during this period.

Chronic criterion: 13 ug/l

Chemical: Phenanthrene
 Acute criterion: 46 ug/l
 Date criteria derived:
 October 26, 1992
 Applicable waterbodies:
 Not used during this period.

CAS #85-01-8
 Chronic criterion: 3.7 ug/l

Chemical: Pyrene
 Human health criterion
 (HTC): 3,500 ug/l
 Date criteria derived:
 December 22, 1992
 Applicable waterbodies:
 Not used during this period.

CAS #120-00-0

Chemical: Tetrachloroethylene
 Acute criterion: 1,220 ug/l
 Date criteria derived:
 March 23, 1992
 Applicable waterbodies:
 Not used during this period.

CAS #127-18-4
 Chronic criterion: 152 ug/l

Chemical: Tetrahydrofuran
 Acute criterion: 216,000 ug/l
 Not used during this period.

CAS #109-99-9
 Chronic criterion: 17,300 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived:
 March 16, 1992
 Applicable waterbodies:
 Not used during this period.

Chemical: Toluene
 Acute criterion: 1,300 ug/l
 Date criteria derived:
 August 16, 1990, revised
 May 17, 1991, January 26,
 1993 and January 14, 1999
 Applicable waterbodies:
 Not used during this period.

CAS #108-88-3
 Chronic criterion: 110 ug/l

Chemical: 1,2,4-trichlorobenzene
 Acute criterion: 353 ug/l
 Date criteria derived:
 December 14, 1993
 Applicable waterbodies:
 Not used during this period.

CAS #120-82-1
 Chronic criterion: 69.2 ug/l

Chemical: 1,1,1-trichloroethane
 Acute criterion: 4,910 ug/l
 Date criteria derived:
 October 26, 1992
 Applicable waterbodies:
 Not used during this period.

CAS #71-55-6
 Chronic criterion: 393 ug/l

Chemical: 1,1,2-trichloroethane
 Acute criterion: 19,000 ug/l
 Human health criterion
 (HNC): 12 ug/l
 Date criteria derived:
 December 13, 1993
 Applicable waterbodies:
 Not used during this period.

CAS #79-00-5
 Chronic criterion: 3,540 ug/l

Chemical: Trichloroethylene
 Acute criterion: 11,700 ug/l
 Not used during this period.

CAS #79-01-6
 Chronic criterion: 940 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived:

October 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Xylenes

CAS # 1330-20-7

Acute criterion: 1,500 ug/l

Chronic criterion: 120 ug/l

Date criteria derived:

August 23, 1990, revised

January 14, 1999

Applicable waterbodies:

Not used during this period.

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

217/782-3362

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning interest rate information in the Illinois Register:

Name of Act: Uniform Penalty and Interest Act

Citation: 35 ILCS 735/3-1

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is the underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPIA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Recently, in Revenue Ruling 2000-57 the Internal Revenue Service announced that the underpayment rate will be 9% for the quarter beginning January 1, 2001. Therefore, the interest rate paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 9% from January 1, 2001 through June 30, 2001.

3. Name and address of person to contact concerning this information:

Keith Staats

General Counsel

Legal Services Office

Illinois Department of Revenue

101 W. Jefferson

Springfield, Illinois 62794

Phone: (217) 782-7296

DEPARTMENT ON AGING

JANUARY 2001 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Older Americans Act Programs; 89 Ill Adm Code 230

1) Rulemaking:

A) Description: Publish revised rules with respect to State Agency, Area Agencies on Aging, Service Requirements and Hearings. Rulemakings amend Sections 230.30; 230.41; 230.43; 230.44; 230.46; 230.120; 230.130; 230.150; 230.210; 230.230; 230.240; 230.250; 230.310; 230.330; 230.350; 230.370; 230.410; 230.420; 230.510; 230.520; 230.530; 230.540; 230.550; 230.560; 230.570; 230.580; 230.610; 230.630; and 230.650.

B) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.02

C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on the revised rulemakings.

D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after January 1, 2001, but prior to June 30, 2001.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 782-4842

G) Related rulemakings and other pertinent information: The related rulemaking would occur only through cross-reference throughout the rulemaking.

COMPTROLLER MERIT COMMISSION

JANUARY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Merit Commission Rules (80 Ill. Adm. Code 100)

1) Rulemaking:

A) Description of Commission's Powers and Duties: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from Jurisdiction B of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.

B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410]

C) Schedule of regular meetings: January 18, 2001; February 15, 2001; March 15, 2001; April 12, 2001; May 17, 2001; June 21, 2001

D) Date agency anticipates First Notice: The Merit Commission does not anticipate any rule changes at this time. However, any future changes will be discussed at the meetings listed above.

E) Effect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Joe Wilkins, Chairman
Comptroller Merit Commission
325 West Adams Street
Springfield IL 62704-1858
217/785-1127

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2001 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Administrative Hearings, 32 Ill. Adm. Code 200

1) Rulemaking: Proposed Repealer

A) Description: The Department is proposing to repeal this Part and replace it with a new Part 200. The Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the Radiation Protection Act of 1990.

B) Statutory Authority: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: June 2001

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Rules of Practice in Administrative Hearings, 32 Ill. Adm. Code 200

1) Rulemaking: Proposed Rule

A) Description: This Part will replace the current Part 200. The Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the Radiation Protection Act of 1990.

B) Statutory Authority: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS

DEPARTMENT OF NUCLEAR SAFETY

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- 100/5-10(a)(i) and Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: June 2001

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Standards for Protection against Laser Radiation, 32 Ill. Adm. Code 315

1) Rulemaking: Proposed Rule

A) Description: The Department is proposing this rulemaking to establish standards for protection against laser radiation and to implement the requirements of the Laser System Act of 1997.

B) Statutory Authority: Implementing and authorized by the Laser System Act of 1997 [420 ILCS 56].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: January 2001

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking may affect small businesses and not for profit corporations licensed to use radioactive material. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.

F) Agency contact person for information:

Rose Miller

DEPARTMENT OF NUCLEAR SAFETY

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Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Financial Assurance Requirements, 32 Ill. Adm. Code 326

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to change the language in the rule to require financial assurance for sources greater than 1 Ci and exempt those less than or equal to 1 Ci.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled yet

D) Date agency anticipates First Notice: February 2001

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe these amendments will have any direct impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 330

1) Rulemaking: Proposed Amendment

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2001 REGULATORY AGENDA

A) Description: The Department is proposing this rulemaking to modify deliberate misconduct reporting requirements, and requirements related to the expiration and termination of radioactive material licenses.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: February 2001

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking will not affect small businesses, small municipalities, and not for profit corporations licensed to use radioactive material..

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: Part 340 will be modified to include termination requirements referenced in Part 330.

f) Part (Heading and Code Citation): Fees for Radioactive Material Licensees and Registrants, 32 Ill. Adm. Code 331

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing this rulemaking to modify the annual fees collected from specific licensees.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled yet

D) Date agency anticipates First Notice: January 2001

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking may

DEPARTMENT OF NUCLEAR SAFETY

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affect small businesses and some not for profit corporations licensed to use radioactive material. Small municipalities as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: Noneg) Part (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 3351) Rulemaking: Proposed Amendment

A) Description: The Department is proposing this rulemaking to modify requirements related to the medical use of radioactive materials. These rules are being modified to conform to changes made by the Nuclear Regulatory Commission

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: June 2001

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking may affect small businesses and not for profit corporations if they are licensed to use radioactive material on humans. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2001 REGULATORY AGENDA

(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: Noneh) Part (Heading and Code Citation): Standards for Protection Against Radiation, 32 Ill. Adm. Code 3401) Rulemaking: Proposed Amendment

A) Description: The Department is proposing this rulemaking to clarify requirements regarding airborne effluents, to modify the required frequency of medical exams for individuals who must wear respiratory protection equipment, and to establish clean-up standards related to the termination of radioactive material licenses. In addition, the Department is proposing to amend this Part to adopt recent changes implemented by the U.S. NRC to improve low-level radioactive waste manifest information and reporting. This amendment will: (1) replace the provisions contained in Section 340.1060 which will improve the quality and uniformity of information contained in manifests that are required to control transfers of low-level radioactive waste that is ultimately intended for disposal at a land disposal facility; (2) adopt by reference a set of forms that allows low-level radioactive waste to be tracked from its origin to meet NRC, Department of Transportation (DOT), State and Compact information requirements; (3) allow low-level radioactive waste operators to electronically store container-specific manifest information; and (4) clarify the requirements in Section 340.1270 for reporting of missing waste shipments.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: March 2001

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking will not affect small businesses, small municipalities and not for profit corporations licensed to use radioactive material.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2001 REGULATORY AGENDA

Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: Part 330 will be modified to include references to termination requirements included in Part 340.

- i) Part (Heading and Code Citation): Transportation of Radioactive Material, 32 Ill. Adm. Code 341

1) Rulemaking: Proposed Amendment

- A) Description: The Department is proposing this rulemaking to conform to national requirements regarding shipment of radioactive material.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: February 2001

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking may affect small businesses, and not for profit corporations if they routinely ship radioactive material. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will may be affected by this Part if they ship radioactive material.

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- j) Part (Heading and Code Citation): Accrediting Persons in the Practice of Medical Radiation Technology, 32 Ill. Adm. Code 401

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2001 REGULATORY AGENDA

1) Rulemaking: Proposed Amendment

- A) Description: The Department is proposing this amendment to: (1) add provisions for accreditation of limited bone densitometry; and (2) update provisions regarding student-loans verification for renewal of accreditation.

- B) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: April 2001

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these amendments may impact small businesses, such as small radiation installations where unaccredited persons are allowed to administer radiation to humans in violation of the Radiation Protection Act of 1990.

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- k) Part (Heading and Code Citation): Accrediting Certification of Individuals to Perform Industrial Radiography, 32 Ill. Adm. Code 405

1) Rulemaking: Proposed Amendment

- A) Description: The Department is proposing this rulemaking to (1) add definition of "certifying entity"; (2) delete provisions regarding Provisionally Certified Industrial Radiographers since this class no longer exists; (3) accept certification exams deemed to be equivalent to existing examinations; (4) modify language in the reciprocity section to allow reciprocity to be granted if another certifying entity has used a certification test deemed to be acceptable by all other certifying entities with jurisdiction over the sources of radiation; and (5) amend the suspension and revocation of certification and civil penalty sections of the

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2001 REGULATORY AGENDA

rule.

B) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: May 2001

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these amendments will not impact small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

1) Part (Heading and Code Citation): Licensing Requirements for Land Disposal of Radioactive Waste, 32 Ill. Adm. Code 601

1) Rulemaking: Proposed Amendment

A) Description: The Department is amending this Part to adopt recent changes implemented by the U.S. NRC to improve low-level radioactive waste manifest information and reporting. This amendment will: (1) add a new subsection (o) to Section 601.70 requiring that the licensee provide a description of the facility electronic recordkeeping system; (2) clarify recordkeeping procedures detailed in Section 601.330; and (3) make editorial changes to clarify the test so that the style of this rule is consistent with other Department rules.

B) Statutory Authority: Implementing and authorized by the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20]

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: June 2001

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2001 REGULATORY AGENDA

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Requirements for the Disposal of Low-Level Radioactive Waste Away from the Point of Generation, 32 Ill. Adm. Code 606

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to adopt recent changes implemented by the U.S. NRC to improve low-level radioactive waste manifest information and reporting. This amendment will add a new subsection (e) to Section 606.40 allowing licensees to store or have stored manifest and other information pertaining to receipt and disposal of radioactive waste in an electronic recordkeeping system.

B) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/6].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: June 2001

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 2001 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

STATE EMPLOYEE'S RETIREMENT SYSTEM OF ILLINOIS

January 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)

1) Rulemaking:

A) Description: No rulemaking is anticipated at this time

B) Statutory Authority: 40 ILCS 5/14-135.03

C) Scheduled meeting/hearing dates: None

D) Date agency anticipated First Notices: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Micheal L. Mory,
Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255
2101 South Veterans Parkway
Springfield IL 62794-9255
217/785-7444

G) Related rulemaking and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 9, 2001

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSCommerce Commission

1. Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act (89 Ill Adm Code 727)
-First Notice Published: 24 Ill Reg 8454 - 6/23/00
-Expiration of Second Notice: 2/3/01

Commerce and Community Affairs

2. Industrial Training Program (56 Ill Adm Code 2650)
-First Notice Published: 24 Ill Reg 8685 - 6/30/00
-Expiration of Second Notice: 2/12/01

Education

3. Truants' Alternative and Optional Education Programs (23 Ill Adm Code 205)
-First Notice Published: 24 Ill Reg 14854 - 10/13/00

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-Expiration of Second Notice: 2/1/01

Employment Security

4. Employment (56 Ill Adm Code 2732)
-First Notice Published: 24 Ill Reg 16163 - 11/3/00
-Expiration of Second Notice: 2/3/01
5. Payment of Unemployment Contributions, Interest and Penalties (56 Ill Adm Code 2765)
-First Notice Published: 24 Ill Reg 16170 - 11/3/00
-Expiration of Second Notice: 2/3/01

Farm Development Authority

6. Illinois Farm Development Authority (8 Ill Adm Code 1400)
-First Notice Published: 24 Ill Reg 13088 - 9/1/00
-Expiration of Second Notice: 2/3/01

Guardianship and Advocacy Commission

7. Human Rights Authority (59 Ill Adm Code 310)
-First Notice Published: 24 Ill Reg 15345 - 10/20/00
-Expiration of Second Notice: 1/26/01

Health Care Cost Containment Council

8. General Provisions (77 Ill Adm Code 2500)
-First Notice Published: 24 Ill Reg 15393 - 10/20/00
-Expiration of Second Notice: 2/2/01

9. Data Collection (77 Ill Adm Code 2510)
-First Notice Published: 24 Ill Reg 16176 - 11/3/00
-Expiration of Second Notice: 2/2/01

10. Hospital Price Information (77 Ill Adm Code 2530)
-First Notice Published: 24 Ill Reg 15398 - 10/20/00
-Expiration of Second Notice: 2/2/01

11. Penalties (77 Ill Adm Code 2540)
-First Notice Published: 24 Ill Reg 15401 - 10/20/00
-Expiration of Second Notice: 2/2/01

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12. Data Collection (77 Ill Adm Code 2510)
-First Notice Published: 24 Ill Reg 15349 - 10/20/00
-Expiration of Second Notice: 2/2/01

Housing Development Authority

13. Affordable Housing Program (47 Ill Adm Code 360)
-First Notice Published: 24 Ill Reg 13795 - 9/15/00
-Expiration of Second Notice: 1/14/01

Human Rights

14. Housing Discrimination (71 Ill Adm Code 2300)
-First Notice Published: 24 Ill Reg 14942 - 10/13/00
-Expiration of Second Notice: 1/26/01

Human Services

15. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 24 Ill Reg 15405 - 10/20/00
-Expiration of Second Notice: 1/31/01

Insurance

16. Retrospective Compensation Agreements (Repealer) (50 Ill Adm Code 922)
-First Notice Published: 24 Ill Reg 13797 - 9/15/00
-Expiration of Second Notice: 1/14/01

Professional Regulation

17. Environmental Health Practitioner Licensing Act (68 Ill Adm Code 1247)
-First Notice Published: 24 Ill Reg 14997 - 10/13/00
-Expiration of Second Notice: 1/17/01

18. Illinois Roofing Industry Licensing Act (68 Ill Adm Code 1460)
-First Notice Published: 24 Ill Reg 15001 - 10/13/00
-Expiration of Second Notice: 1/17/01

Public Health

19. Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)
-First Notice Published: 24 Ill Reg 13309 - 9/1/00

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- Expiration of Second Notice: 2/8/01

20. Sheltered Care Facilities Code (77 Ill Adm Code 330)
-First Notice Published: 24 Ill Reg 13300 - 9/1/00
-Expiration of Second Notice: 2/8/01

21. Illinois Veterans' Homes Code (77 Ill Adm Code 340)
-First Notice Published: 24 Ill Reg 13263 - 9/1/00
-Expiration of Second Notice: 2/8/01

22. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)
-First Notice Published: 24 Ill Reg 13273 - 9/1/00
-Expiration of Second Notice: 2/8/01

23. Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)
-First Notice Published: 24 Ill Reg 13289 - 9/1/00
-Expiration of Second Notice: 2/8/01

24. Long-Term Care Assistants and Aides Training Programs Code (77 Ill Adm Code 395)
-First Notice Published: 24 Ill Reg 13284 - 9/1/00
-Expiration of Second Notice: 2/8/01

25. Control of Sexually Transmissible Diseases Code (77 Ill Adm Code 693)
-First Notice Published: 24 Ill Reg 6343 - 4/14/00
-Expiration of Second Notice: 1/25/01

26. Public Area Sanitary Practice Code (77 Ill Adm Code 895)
-First Notice Published: 24 Ill Reg 4170 - 3/17/00
-Expiration of Second Notice: 2/8/01

Revenue

27. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 24 Ill Reg 16218 - 11/3/00
-Expiration of Second Notice: 2/8/01

28. Retailers' Occupation Tax (86 Ill Adm Code 130)
-First Notice Published: 24 Ill Reg 14393 - 9/29/00
-Expiration of Second Notice: 2/8/01

Secretary of State

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29. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)
-First Notice Published: 24 Ill Reg 15914 - 10/27/00
-Expiration of Second Notice: 1/31/01

State Fire Marshal

30. Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill Adm Code 200)
-First Notice Published: 24 Ill Reg 13482 - 9/8/00
-Expiration of Second Notice: 1/18/01

State Police

31. Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill Adm Code 1286)
-First Notice Published: 24 Ill Reg 15916 - 10/27/00
-Expiration of Second Notice: 1/31/01

Transportation

32. Disadvantaged Business Enterprises (Repealer) (92 Ill Adm Code 10)
-First Notice Published: 24 Ill Reg 14649 - 10/6/00
-Expiration of Second Notice: 1/17/01

33. Minimum Safety Standards for Construction of Type I School Buses (92 Ill Adm Code 440)
-First Notice Published: 24 Ill Reg 16232 - 11/3/00
-Expiration of Second Notice: 2/2/01

34. Inspection Procedures for Type I School Buses (92 Ill Adm Code 441)
-First Notice Published: 24 Ill Reg 16230 - 11/3/00
-Expiration of Second Notice: 2/2/01

EMERGENCY AND PEREMPTORY RULEMAKINGSBanks and Real Estate

35. High Risk Home Loans (38 Ill Adm Code 345) (Emergency)
-Notice Published: 24 Ill Reg 19308 - 12/29/00
36. Illinois Savings and Loan Act of 1985 (38 Ill Adm Code 1000) (Emergency)

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- Notice Published: 24 Ill Reg 19312 - 12/29/00
37. Residential Mortgage License Act of 1987 (38 Ill Adm Code 1050) (Emergency)
-Notice Published: 24 Ill Reg 19322 - 12/29/00

38. Savings Bank Act (38 Ill Adm Code 1075) (Emergency)
-Notice Published: 24 Ill Reg 19331 - 12/29/00

Central Management Services

39. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 24 Ill Reg 18444 - 12/15/00

Commerce and Community Affairs

40. Illinois Promotion Act Programs (14 Ill Adm Code 510) (Emergency)
-Notice Published: 24 Ill Reg 18834 - 12/22/00

Labor

41. Illinois Child Labor Law (56 Ill Adm Code 250) (Emergency)
-Notice Published: 24 Ill Reg 17850 - 12/8/00

Public Aid

42. Medical Payment (89 Ill Adm Code 140) (Emergency)
-Notice Published: 24 Ill Reg 19344 - 12/29/00

EXEMPT RULEMAKINGSPollution Control Board

43. Mobile Sources (35 Ill Adm Code 240)
-Proposed Date: 9/15/00
-Adopted Date: 12/29/00

44. RCRA and UIC Permit Programs (35 Ill Adm Code 702)
-Proposed Date: 10/6/00
-Adopted Date: 12/22/00

45. UIC Permit Program (35 Ill Adm Code 704)
-Proposed Date: 10/6/00

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JANUARY 9, 2001

-Adopted Date: 12/22/00

46. Underground Injection Control Operating Requirements (35 Ill Adm Code 730)

-Proposed Date: 10/6/00

-Adopted Date: 12/22/00

47. Hazardous Waste Injection Restrictions (35 Ill Adm Code 738)

-Proposed Date: 10/6/00

-Adopted Date: 12/22/00

AGENCY RESPONSES

Commerce and Community Affairs

48. Illinois Promotion Act Programs (14 Ill Adm Code 510)

Education

49. Certification (23 Ill Adm Code 25)

Gaming Board

50. Riverboat Gambling (86 Ill Adm Code 3000)

Human Services

51. Medicaid Community Mental Health Services Program (59 Ill Adm Code 132)

Pollution Control Board

52. Tiered Approach to Corrective Action Objectives (35 Ill Adm Code 742)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 19, 2000 through December 25, 2000 and have been scheduled for review by the Committee at its January 9, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
2/1/01	State Board of Education, Truants' Alternative and Optional Education Programs (23 Ill Adm Code 205)	10/13/00 24 Ill Reg 14854	1/9/01
2/2/01	Illinois Health Care Cost Containment Council, General Provisions (77 Ill Adm Code 2500)	10/20/00 24 Ill Reg 15393	1/9/01
2/2/01	Illinois Health Care Cost Containment Council, Data Collection (77 Ill Adm Code 2510)	11/3/00 24 Ill Reg 16176	1/9/01
2/2/01	Illinois Health Care Cost Containment Council, Penalties (77 Ill Adm Code 2540)	10/20/00 24 Ill Reg 15401	1/9/01
2/2/01	Illinois Health Care Cost Containment Council, Hospital Price Information (77 Ill Adm Code 2530)	10/20/00 24 Ill Reg 15398	1/9/01
2/2/01	Illinois Health Care Cost Containment Council, Data Collection (77 Ill Adm Code 2510)	10/20/00 24 Ill Reg 15349	1/9/01
2/2/01	Department of Transportation, Inspection Procedures for Type I School Buses (92 Ill Adm Code 441)	11/3/00 24 Ill Reg 16230	1/9/01
2/2/01	Department of Transportation, Minimum Safety Standards for Construction of Type I School Buses (92 Ill Adm Code 440)	11/3/00 24 Ill Reg 16232	1/9/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

2/3/01	Illinois Commerce Commission, Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act (89 Ill Adm Code 727)	6/23/00 24 Ill Reg 8454	1/9/01
2/3/01	Department of Employment Security, Payment of Unemployment Contributions, Interest and Penalties (56 Ill Adm Code 2765)	11/3/00 24 Ill Reg 16170	1/9/01
2/3/01	Department of Employment Security, Employment (56 Ill Adm Code 2732)	11/3/00 24 Ill Reg 16163	1/9/01

EXECUTIVE ORDERS

2000-16

AN EXECUTIVE ORDER REGARDING EMERGENCY RELIEF FROM THE FEDERAL
MOTOR CARRIER SAFETY REGULATIONS

WHEREAS, severe cold weather has seriously affected supplies of petroleum products; and

WHEREAS, current snow and forecasts for additional freezing rain/snow and sharply falling temperatures and wind chills will further affect supplies of various petroleum products; and

WHEREAS, these severe weather conditions have created lengthy lines at propane terminals requiring delivery truck drives, subject to Federal Motor Carrier Safety Regulations, to expend several more 'on duty' hours waiting for their trucks to be loaded resulting in an inordinate loss of available driving time under current regulations; and

WHEREAS, this situation has resulted in distribution and delivery problems and has affected the availability, heating and motor fuels which could threaten the health and safety of Illinois citizens due to the inability to deliver these fuels; and

WHEREAS, Section 390.23 of the Federal Motor Carrier Safety Regulations provides that a Governor of a State may declare an emergency thereby exempting motor carriers or drivers operating a commercial motor vehicle from Parts 390 through 399 of the Federal Motor Safety Regulations (49 CFR 390.223);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, hereby order the following:

1. A state of emergency exists that requires relief from regulations incorporated in Illinois and Federal Statutes and Regulations pertaining to hours of service for motor carriers and drivers of commercial motor vehicles, while transporting propane, heating and motor fuels (49 CFR, Part 395).

2. That nothing herein shall be construed to relieve motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.

3. No motor carrier operating under the terms of this emergency order shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least eight consecutive hours off-duty before the driver is required to return to service.

4. Upon the expiration of the effective date of this emergency order, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least 24 consecutive hours off-duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

This Executive Order is effective immediately and shall remain in effect until 11:59 P.M., CST, January 3, 2001, unless superseded or extended as authorized by law.

Issued by the Governor December 15, 2000.

Filed with the Secretary of State December 15, 2000.

PROCLAMATIONS

2000-619 (REVISED)

CRITICAL CARE NURSES WEEK

WHEREAS, critical care nurses are registered professional nurses who make their optimal contribution as a part of a health care system driven by the needs of critically ill patients; and

WHEREAS, critical care nurses have a commitment to excellence in education and an awareness that education is fundamental to professional growth and excellence in clinical practice; and

WHEREAS, the American Association of Critical Care Nurses (AACN) was established in 1969 to assist members of the profession in keeping abreast with the technical advancements of the critical care environment; and

WHEREAS, currently, AACN has approximately 65,000 members nationwide including over 2,700 in Illinois; and

WHEREAS, in addition to basic preparation, critical care nurses must have advanced knowledge of the psycho social, physiological, and therapeutic components specific to the care of the critically ill; and

WHEREAS, the CCRN certification, obtained only after passing a comprehensive examination and acquiring professional experience, is a national recognition of professional proficiency in critical care nursing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 25-31, 2001, as CRITICAL CARE NURSES WEEK in Illinois.

Issued by the Governor December 5, 2000.

Filed by the Secretary of State December 21, 2000.

2000-622

SEED MONTH

WHEREAS, the abundance of Illinois crops relies on fertile soil, diligent farmers, and high quality seeds; and

WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and

WHEREAS, agriculture and the seed industry significantly contribute to our state's economy with value-added products marketed throughout the world; and

WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, the State's official seed-certifying agency, an independent, nonprofit organization; and

WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating pertinent legislation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as SEED MONTH in Illinois in appreciation of the seed industry's contribution to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor December 8, 2000.

Filed by the Secretary of State December 21, 2000.

2000-623

PHARMACEUTICAL ASSISTANCE WEEK

WHEREAS, seniors and their families are very concerned about the cost of prescription medications; and

WHEREAS, the 91st Illinois General Assembly worked hard to make prescription drugs for seniors more affordable; and

WHEREAS, House Bill 3872, which expands the State of Illinois' Circuit Breaker/Pharmaceutical Assistance Program to help more seniors pay for prescription medications, was signed into law; and

WHEREAS, the law goes into effect January 1, 2001, and applies to Illinoisans who are disabled, or are age 65 and older who meet income standards; and

WHEREAS, eligible individuals will receive assistance in paying for prescriptions for heart disease, blood pressure problems, diabetes, arthritis, cancer, Alzheimer's disease, Parkinson's disease, glaucoma, lung disease, or smoking-related illnesses; and

WHEREAS, this relief means thousands more Illinoisans will not have to choose between buying prescriptions or other necessities and will enjoy a higher quality of life due to these significant advances, making Illinois an even better state in which to grow older;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 8-14, 2001, as PHARMACEUTICAL ASSISTANCE WEEK in Illinois.

Issued by the Governor December 12, 2000.

Filed by the Secretary of State December 21, 2000.

2000-624

BIRTH DEFECTS PREVENTION MONTH

WHEREAS, each year about four percent of babies in Illinois and an estimated 150,000 babies nationwide are born with serious birth defects; and

WHEREAS, birth defects can and do affect any family, regardless of age, sex, race, family history, economic status, and education; and

WHEREAS, the U.S. Public Health Service recommends that all women of childbearing age consume 400 micrograms (400 mcg or 0.4 mg) of folic acid every day to prevent up to 70 percent of some types of serious birth defects; and

WHEREAS, Illinois is pleased to join with the National Birth Defects Prevention Network, as well as with many dedicated volunteers, health care professionals, families, and persons affected by birth defects, in participating in a special month devoted to increasing awareness of birth defect prevention and to learning what families can do to increase their chances of having a healthy baby;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 2001 as BIRTH DEFECTS PREVENTION MONTH in Illinois.

Issued by the Governor December 13, 2000.

Filed by the Secretary of State December 21, 2000.

2000-625

MARGARET RICCA DAY

WHEREAS, Margaret E. Reed was born December 11, 1913, in Streator,

Illinois; and

WHEREAS, she married Bernard Ricca and the two enjoyed a happy marriage for more than 50 years; and

WHEREAS, Margaret and Bernard have four daughters: Shirley Gabrick Kelly, Mary Ellen Ricca, Bernadine Dallaraiva, and Margery Harvey; and

WHEREAS, Margaret is the proud grandmother of 17 grandchildren and 13 great-grandchildren; and

WHEREAS, she is an active member of St. Mary's Church and a proud resident of Wenona, Illinois; and

WHEREAS, Margaret Ricca will celebrate her 87th birthday on December 11, 2000, with her family and friends;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 11, 2000, as MARGARET RICCA DAY in Illinois.

Issued by the Governor December 13, 2000.

Filed by the Secretary of State December 21, 2000.

2000-626

FAMILY FEDERATION FOR WORLD PEACE AND UNIFICATION DAY

WHEREAS, love within the family is the cornerstone of a society, and the Family Federation for World Peace and Unification (FFWPU) believes that empowering the family's moral leadership of society is fundamental to society's well-being; and

WHEREAS, healthy families are the foundation for healthy, well-adjusted nations because the values that promote peace in the world community are a direct extension of the values that promote peace within individual families; and

WHEREAS, promoting the development of such families is the central task of the Family Federation, and specifically, the FFWPU promotes the responsibility of parents to care for and love their children; to guide them to the highest moral, physical and intellectual standards; and to protect them from abuse and exploitation; and

WHEREAS, the responsibility of husband and wife is to maintain purity in conjugal love, upholding the ideal of marital fidelity, while the responsibility of children is to love and respect their parents, because a society made up of families that follow this standard has the capacity to overcome even the deepest and most pervasive social problems; and

WHEREAS, throughout the 1990's thousands of couples throughout the great State of Illinois have re-dedicated their marriage and their eternal commitments to their spouses and families; and

WHEREAS, the Founders of the Family Federation for World Peace and Unification will be addressing the Midwestern Delegates at the 5th annual True Family Values banquet at the Chicago downtown Marriott Hotel on Saturday afternoon, December 16, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 16, 2000, as FAMILY FEDERATION FOR WORLD PEACE AND UNIFICATION DAY in Illinois.

Issued by the Governor December 14, 2000.

Filed by the Secretary of State December 21, 2000.

2000-627

HAYMARKET CENTER DAY

WHEREAS, Haymarket Center was founded in 1975 by Msgr. Ignatius McDermott and Dr. James West, opening its doors to the less fortunate on December 31, 1975, to provide alcoholics a place for recovery from alcohol abuse; and

WHEREAS, Haymarket Center's mission has broadened to aid people with chemical dependency in their recovery, by providing a continuum of optimal professional care that is responsive to the identified needs of the community; and

WHEREAS, Haymarket Center now serves some 13,000 clients annually through residential, outpatient, and special detoxification treatment programs, operating the largest alcohol and drug treatment and detoxification program in the city; and

WHEREAS, Haymarket Center is a comprehensive alcohol and substance abuse treatment facility serving both men and women, with special programs for prenatal and postnatal chemically dependent women; and

WHEREAS, Haymarket Center provides holistic care, treating the chemical dependency, while addressing other physical and mental health issues, all within a spiritual context for healing; and

WHEREAS, Haymarket Center operates facilities on the Near West Side, in Uptown, in the Grand Boulevard community, and in Schaumburg, as well as an outreach outpost at O'Hare International Airport and a facility in Lake County; and

WHEREAS, clients are directed to Haymarket Center from public safety agencies and the criminal justice system, private and voluntary health care, mental health, and social services providers; and

WHEREAS, in addition to its detox and maternal detox treatment programs, Haymarket Center provides a full-service, on-site medical clinic, out-patient treatment, services for the homeless, recovery and support programs, and health services to HIV/AIDS impacted individuals; and

WHEREAS, the Haymarket institute offers professional, continuing education, in-service training, workshops, and DUI risk education to prepare its own staff and other professionals to treat those in need;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 31, 2000, as HAYMARKET CENTER DAY in Illinois.

Issued by the Governor December 18, 2000.

Filed by the Secretary of State December 21, 2000.

Rules acted upon during the calendar year from Issue 01 through Issue 52 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 01 will be listed as 50-2500-01. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division of the Index Department, Office of the Secretary of State at 217-782-7017.

PROPOSED

32-315-01
77-510R-01
80-1540-01
86-130-01
89-152-01

ADOPTED

11-1413-01
35-211-01
35-217-01
71-50R-01
71-50-01
80-1650-01
83-1000-01
86-110-01
86-210-01
86-495-01
86-750-01
86-3000-01

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20-1286-01
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